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LIVES OF THE FELONS.

No. 11.

CONTINUED.

JOHN A. MURRELL, THE GREAT WESTERN LAND PIRATE.

Murrell returns to Madison and makes himself very much at home—Employes his leisure in the Study of the Law and in the secret organization of the Mystic Clan—Gets tired of mere literary and scientific Pursuits, and sets out upon the road again—Arrives at Moulton, Ala.—The Mysterious Crime—Fortunate Escape at Muscle Shoals—Concealment in a Jungle—The Friendly Speculator—The negro Sam—The Power of Attorney—Advantage of a Knowledge of Law “Pints”—Journey to New-Orleans—Flight to Texas—Visit to Yucatan—The Old Catholic and his Niece—The Fate of Crenshaw—Murrell returns to the United States.

The profits of his last trip, amounting as they did to a round one thousand dollars, enabled the land pirate, on his return home, to feel considerably at ease. With a prudence which was the result of previous experience, he laid out one half of that sum as a part purchase of his farm, and having, with a portion of the rest, added some stock and improvements, he sat down in his domestic garrison with as much self-gratulation and contentment as if his recent acquisitions were the legitimate returns of honest industry, instead of being the harvest of a detestable train of crime and an atrocious deed of blood.

For the purpose of giving a color of integrity to his condition he employed a hired man, and shared with him the labors of the farm; but though he made this the ostensible occupation of his time, he devoted himself principally to the attentive study of some books of law which he had recently purchased at Randolph, and to carrying on an extensive correspondence with the influential speculators* who were the recognized heads of the marauding clans in the various parts of the country. The books of law he had obtained with the view of rendering himself familiar with all the rocks and quicksands that lie in the path of crime, that he might not only know how to pilot himself through the perils which environ it, but that he might also “know the ropes” of legal technicality and quibble, that would save him from danger in the last resort. The object of his correspondence was for the double purpose of keeping up his professional presence and importance in all quarters, and likewise to urge the progress of the great scheme which had been the leading object of his fiendish ambition for the previous three years.

In speaking of this portion of his career, Murrell remarked: “During this period of relaxation, my great project of exciting a rebellion among the negroes of the slave-holding states returned upon my mind with double force. I had never entirely lost sight of it from the moment of its first inception; but the necessities of business, and the difficulties of so great a combination, kept postponing the object from time to time. But during the period I speak of, I had nothing to do but to study and to scheme; and as I revolved the project in my mind, it appeared more and more feasible of accomplishment at every step. I not only considered it the sure road to inexhaustible wealth, but I had some injuries to avenge and some animosities to gratify, and my blood warmed with the hope of being able one day to visit the pomp of the southern and western people in my vengeance, and of seeing their towns and cities one common scene of devastation!”†

* We should have mentioned before that the term “speculator” was, at the time we speak of, the common and comprehensive term used among the marauders of the west, to distinguish all who were devoted to dishonest courses. The word “crossman” is a term of the same general significance among the professional rogues of the Atlantic border. The former is indigenous to this country; but we are indebted for the latter to the professional artists of White Chapel, Castle Street, and St. Giles.

† Murrell's conversation with Virgil A. Stewart. See History of Virgil A. Stewart, by H. R. Howard.



BUTLER & STRYPE

THE LAND-PIRATE SWIMMING THE RIVER.

Several months were devoted to this damnable employment of his brain, during which time he devised a skilful organization, invented mystic signs, formed a vocabulary for secret correspondence by means of ten arbitrary characters, and set a time, in the following year, for a general meeting, to take place in Arkansas or Mississippi, for the ratification of the whole by solemn compact, and for the election of officers and other necessary business. While thus engaged he received the visits of several travelling speculators, who took his dwelling in their route, and had the satisfaction to receive their personal approbation of his design.

Having at length completed his plans, and being tired of inaction, he resolved to set out again in search of an adventure that might keep up his credit, and at the same time replenish his wasting means. Just as he had come to this determination, and was hesitating whether to take a northern or a southern course, he received a letter from an acquaintance in Moulton, Alabama, offering him a share in a profitable depredation which he had in meditation, and which he assured him was as safe as it was feasible. This at once decided the hesitating robber, and he set out southward on the following day. In due time he arrived at Moulton and performed the enterprise. What the exact nature of it was, never has transpired, though from the mystery which its chief actor maintained upon the subject gives us reason to suppose it was a most atrocious deed. Suffice it that the joint proceeds of the affair was three thousand seven hundred dollars, which being divided between the two perpetrators, left eighteen hundred and fifty as Murrell's personal share. With this sum he again turned to the north, and started off for home; but it appears that shortly after he set out he was sharply pursued, and would have been overtaken, had he not opportunely struck the southern bank of the Tennessee river, at the head of the Muscle Shoals, and escaped by plunging his jaded steed into the stream, and swimming to the opposite bank. His pursuers, fortunately for him, were on foot, and being unable to follow, for want of a boat, were forced to take the best chance for arresting the marauder's flight, by discharging their rifles at him.

Their agitation, however, rendered their aim un-

certain, and before any of them could reload, the fugitive was safe beyond their reach.

Spurring his horse to the edge of neighboring thicket, Murrell sprang from his back, and abandoning him to his own direction, sought a refuge, by darting into the dense mazes of the underwood, and there

“On the quaking turf of the green morass
He crouched in the rank and tangled grass,
Like a wild beast in his lair.”

Remaining three or four hours in his concealment, until night set in, Murrell emerged from his retreat, and took the road to Florence. He had not proceeded long in this direction, before he stopped at the door of a friendly speculator, who, on recognizing him and hearing his relation, welcomed him in and evinced the utmost happiness at being able to afford him shelter and refuge from pursuit.

Murrell remained with this friend for three or four days, and finding, at the end of that time, that the danger had pretty well blown over, bade him adieu, and on horseback again, once more turned his face towards home.

While journeying along the first afternoon of his departure, he heard himself hailed by name from the road side, and turning in the direction of the sound, to his surprise discovered a stout, good natured negro man, named Sam, who had been sold out of his neighborhood some months before.

Drawing up his horse at once, and evincing pleasure at the unexpected rencontre, the negro stealer returned Sam's greeting in a friendly manner, and inquired how he liked his new master.

“Bad enough, Massa Murrell, bad enough,” replied the discontented black; “work all de time, and when dere aint no work, den whip all de time. He's a hard case, Massa Murrell, he's a hard case, and dat's a fac!”

“Well now, you dont tell me so, Sam!” replied the negro stealer, in a tone of pathetic surprise, and apparently abstracted from the very contemplation of the enormity.

“Yes Massa, I do! what I tell you is a fac,” replied Sam. “Massa Eason's a mighty hard man, he is.”

“Well, Sam,” answered Murrell, looking fixedly at the negro, and making two or three sig-

nificant motions of his head before proceeding further, “Well, Sam, all I've got to say is this, you know how to get away, and you know where to find me, and if you're content to remain where you are, and be treated like a dog, why you deserve it, that's all.”

“But, Massa Murrell,” answered the black, scratching his pate in great perplexity, “every body knows me in Madison, and if I should come back dere, dey would soon find out I'd run away, and den”—

“Well, then, leave all things to me. Do you only be careful to take a bag of parched corn with you, to start at night, to travel only at night, and come to me at night, and I'll look out for every thing that follows. It will not take us long to get in a free State after that I guess! Eh Sam?”

“Well, Massa, I'll do zactly as you say; but spozen I should beat you home!”

“There's not much danger of that, Sam, for I intend to go straight through. But if it should so happen that any thing should detain me, why tell the old woman I sent you, and it'll be all right.”

With this expression the coversation ended, and the parties separated.

Murrell arrived at home without any delay, and on the fourth night afterwards, the negro knocked at his door for admittance, and was promptly taken in. The negro stealer intended to make his case an experiment in testing a portion of the law which he had recently studied, and therefore stowed him away snugly in his house, instead of despatching him immediately away to some distant part of the country for sale.

As he expected, it was not long before Eason offered a reward for the slave, and advertised him as a runaway. This was just what the robber waited for. He at once sent for his brother and a man named Forsyth, and, procuring a copy of the advertisement signed by Eason, put it and the negro into their hands, and started them off with the following directions:

“Boys, I'm going to put you down on a new ‘pint,’ and I want you to make the most of it. I have put into your hands a fine nigger, and an advertisement signed by his owner, offering a reward for his recovery. That advertisement is, I

find, the same as a gift to the attorney from the owner, and entitle you to act for him in relation to this case of property. It is full commission for you to take the negro into your possession, and if you dispose of him and put the money into your pocket, why, it is only a breach of trust instead of being stealing. The only redress the owner can get, is through a civil suit for damages. I want you, therefore, to put the negro through, and sell him as often and as fast as you can. If he is recognized, or your right to him is suspected, the advertisement will be your protection; and if, after having sold him and stolen him again, you should be pursued and caught with him in your possession, your answer will be, that he has proved to be a more inveterate rogue than you thought him, and that a providential accident had enabled you to catch him for the second time. Now start, and make hay while the sun shines. Put him straight through the river counties, and run him right on to Texas, and leave him there with Hawkins. Having done this, return straight back to me, for I may have something else on hand."

Receiving these instructions with the most profound respect, the younger Murrell and his accomplice started off upon their expedition, prepared to observe their orders to the very letter. They were gone, in all, about seven weeks, when they returned with fourteen hundred dollars in cash, a draft for seven hundred more, and seven hundred dollars worth of ready made clothing, as the proceeds of four sales. The clothing was readily turned into cash. The draft had been given in payment for the negro by Thomas Hunold, of Madison, in the state of Mississippi, upon a house in New Orleans. Shortly after Hunold had made the purchase, however, the negro suddenly disappeared, and, suspecting therewith that the fellow had been carried off by the very men who had sold the captive to him, he wrote on to the house upon whom the draft was drawn, acquainting them with his mistrust, and directing them to refuse to honor the demand. When informed of this state of things in the general report of the expedition, Murrell charged the result entirely upon the imprudence of his two disciples, and told them, with considerable show of anger, that the merest tyro should have known enough to have got the draft cashed the first thing, and before proceeding to any further operations. He however wound up by softening his tone, and by saying that the draft was, nevertheless, as good as gold, for Hunold could neither prove that Sam was Eason's negro, or that they had stolen him after the sale, and, therefore, would be obliged to redeem his written obligation. He therefore directed Forsyth to at once commence a suit against Hunold for the amount.

With the money now in his possession, Murrell paid off the remainder of the mortgage on his farm, and set himself down again for another period of domestic relaxation. This time, however, he did not remain inactive long, for news coming to him under the signatures of Haines and Phelps that his presence was required in New Orleans to direct the progressive operations of the mystic confederation, he was obliged to abandon home again.

Never content to make a movement with a single object, he cast his eyes about him as he proceeded on his journey, and on the second day after his departure, succeeded in decoying a negro from his master, and despatching him to Mills Point, by a young member of the fraternity, whom he met in the neighborhood, with directions to have him forwarded from that place to a certain speculator at the mouth of Red River. Having taken these prudential measures, the inveterate rogue embarked on board of a steamboat for the same point, and receiving the negro safely from the hands of his friend, he went through the country by land, and sold him for nine hundred dollars, finishing the operation by stealing him again, and running him to the Irish bayou in Texas. Leaving the captive there in trusty hands to wait future disposal, Murrell then turned upon his trail, and hastened up to New Orleans. He had no sooner arrived in the Crescent City, however, than he got into a scrape which brought a dangerous pursuit upon his heels, and drove him back a headlong fugitive to the banks of the Sabine.

Reflecting then upon the various circumstances of his condition, and taking into wise consideration the danger of adventuring back to New Orleans, at that time, the marauder resolved to

* Murrell's conversations with Virgil A. Stewart.

† State of Mississippi, Madison county :

I do hereby certify to all whom it may concern, that that part of a recently-published narrative of the exploits of John A. Murrell, which gives an account of a negro man who was stolen from William Eason, of Alabama, and sold to me in this county, and re-stolen from me within a few nights thereafter, and whom I have never heard of since, is strictly correct.

Given under my hand and seal this 3d day of August, 1838. (Signed,) THOMAS HUNOLD, L. S.

push through Texas into Mexico, to see if there was no opening in that country for speculation, and also if he could not get some friends in that quarter to aid him in the design of the negro's robbery. He first disposed of his negro for five hundred dollars to the speculator in whose hands he had left him. He then went on to Matamoras, but being discouraged after a short stay with the prospect there, he took ship and set sail for Campeachay, in Yucatan. Finding no opening there for his peculiar talents, he pushed a short way into the interior, and stopping in a village, assumed the character of a physician, and commenced practising medicine. He was able to maintain this character with tolerable success from having read Ewell and several other elementary works on medicine, during his recent stays at home, and confining his practice to the use of a few simple remedies, managed to give as much satisfaction, and to produce as beneficial results to his patients as most of the more regularly diplomatised members of the medical profession. While thus employed he became a great favorite with an old Catholic, who adopted him as his son in the faith, and introduced him to all the best families of the place, as a distinguished young physician from the United States. This intimacy resulted in Murrell taking up his residence in the old man's house, and in his gratification with his niece, who had charge of the domestic government of the establishment, and who was equally as devout as her uncle. The supple character of the American robber moulded itself with facility to the new condition of things around him, and he soon was as faultless in the observances of the Church of Rome, as he had previously been admirable in the more eccentric and violent forms of the Methodist persuasion. In what manner and how far his scrupulous sanctity availed him with the young lady, we cannot speak, but at the end of three months he got tired of his situation, and seizing an opportunity to depart with credit to his professional character, he robbed the old man's secretary of nine hundred and sixty dollars in gold, and suddenly decamped. He had not done this without making his calculations on a safe retreat, and on the day after the exploit, he was leaving the harbor of Campeachay for Tobasco.

In Tobasco he fell in with some congenial spirits, one of whom gave him tidings of his friend Crenshaw. This information did not comprise any particulars of that ruffian's recent career, beyond the fact that he had for the last four or five years been engaged in the slave-trade between the Brazil and the coast of Africa, and that he was supposed to be one of a party who had been overhauled in a slave brig by an English cruiser, during the previous year, and executed, under the law of nations, which regards the offence as piracy. Making no stay in Tobasco after receiving this information, Murrell looked around for the first opportunity to return to the United States, and having obtained a vessel, set sail for New Orleans, after an absence of nearly seven months.*

* This visit to Mexico, and its duration, does not appear to be consistent with the forwardness of Murrell's plans for the rebellion at the time, or with the superior interests which he had at home. Its authenticity depends entirely upon the statements of Murrell himself, but it is our opinion that in rambling over his career, he did not pay a very strict regard to the chronology of events. The expedition would have been more consistent with his condition a year and a half before. It is proper to say, however, that the above narrative does not depend entirely upon Murrell's own authority.

(To be continued.)

ARREST OF MORE COUNTERFEITERS.—We copy the following from the Nashville Whig of the 27th :

The indefatigable exertions of Wm. N. Bilbo, Esq., have resulted in the arrest of two more counterfeiters. The name of one is A. W. Fuget, who had himself published as dead in the Louisville Journal, about a month ago. The other is A. Cook, who, we are informed, fled from Cincinnati about two months since, under the apprehension that he would be detected in passing counterfeit money. Fuget is represented to us as being an excellent engraver, and Cook as being a first-rate printer and drawer. One of their partners, F. F. Xavier, was lately apprehended near Franklin, in the neighboring county of Williamson. These men were arrested by Mr. Bilbo, near Florence, Alabama, on the 15th instant. There was found in their possession near \$4,000 in counterfeit bank notes, of the denominations of \$20 on the Cape Fear Bank, of North Carolina, and \$2 on the Northern Bank of Kentucky. Also, two engraved plates, both of the denominations of \$2—one on the Northern Bank of Kentucky, and the other on the State Bank of Indiana. There is only one more partner belonging to this flock, who goes by the name of A. Mitchell, (his real name is Twitchell,) that is running at large. It is quite likely that he is now at his father's, near Lexington. The banks owe Mr. Bilbo a lasting debt of gratitude for his exertions in arresting, and for bringing to justice so many of the prominent counterfeiters of the Southwest.

A VOICE FROM ALTA VISTA, OR VIRGINIA'S VALEDICTORY UPON HER MURDERED "DARLING."

Mrs. Myers expresses her confusion and mortification at the publication of her letters, and alludes to Mr. Hoyt as an "individual"—explains how she first contrived an interview with the "individual," by writing a letter to herself and contriving the individual to be the bearer of it—she and the individual make a second appointment and contrive a means which shall protect their intimacy from suspicion—the interview becomes frequent, and much sentimental interfusion takes place—the individual wins her confidence by assuring her that her husband is a brute, and gives many other evidences of his "utmost depth of feeling"—the individual then avows his love and returns the pledge—Mrs. M. vindicates the moral character of No. 18, Exchange Hotel, and No 18 says nothing in reply—Mrs. M. complains of the illiberality of public opinion, raves of devils and the bottomless pit, calls down the wrath of heaven on all who dare to take a rough scrutiny of what she has herself indecently exposed, and then having relieved herself of all her stock of termagant anathemas, looks the public full in the face and declares she is "a lady"—Mrs. M. then declares that her wild and burning passion for the "individual" at length reached to a degree that rendered her "reckless of public censure," and willing to encounter public shame—it is presumed, nevertheless, that she still recollects she "was a lady." She explains the back window scene, and shows how easily a pure and spotless lady can deceive her husband—she denounces the injustice of giving her letters to the public and not publishing Hoyt's, but rejoices in the fortunate interception of one of Hoyt's, which shows that the deceased was equally guilty with herself—she introduces her private assurance to Hoyt that she did not suffer her husband or any one but himself to enjoy her amorous favors as evidence of her general virtue—she excuses the deceitful letter to her husband, on the ground that it was written at the "individual's" direction, and thus furnishes the interesting proposition, of loving the latter strong enough to obey, and the former dead enough to be sincere. She passes completely over the letter of apology to Hoyt for selling a special indulgence to her husband to obtain a more congenial enjoyment with the lover, and winds up with some fine allusions to buried feelings and bleeding hearts, which, with the rest of the letter, are earnestly recommended to the especial attention of all females of her own class, as a convincing proof of the folly of a course of crime which defies detection, and renders all attempts at palliation an aggravation of the guilt.

THE RICHMOND TRAGEDY.

MRS. MYERS' DEFENCE.

TO THE EDITORS—

Gentlemen: The inclosed is a copy of a letter written by Mrs. Myers to a friend. Inasmuch as the proceedings of the trial have been spread before the public, justice to herself, as well as compassion for her misfortunes, seem to require its publication.

You will, therefore, confer a favor by giving it an insertion in your paper. JUSTITIA.

My Dear Friend—I ask your sympathy, your condolence, in my crushing affliction—my fiery trial—I cannot depict to you the anguish I endure, at being thus arraigned for a crime, the very thought of which crimson my cheek with indignation, nor can I convey the slightest idea of the torture with which I find myself so much the object of publicity. I shrink within the shade of retirement and seclusion, but unhappy circumstances impel me forward, for I have been so overwhelmed by the appearance of my letters in the public prints, an accumulation of mortification added to other causes of agony which I did not anticipate, that I have thought it but justice to myself to give you, my friend, a statement of my whole acquaintance with the individual so unfortunately associated with me, in order that it may furnish some palliation for my indictment. The commencement of my acquaintance with Mr. Hoyt was under the following circumstances:—A letter was addressed to me under an envelope to Mr. Hoyt, and this letter was transmitted to me by him. Up to this time I had never exchanged a word with Mr. Hoyt in my life. The contents of that letter rendered it necessary that I should seek a few words of explanation with him. I was reluctant to make this the subject of a letter to him, and therefore I addressed him a note, requesting to see him at my own house concerning this matter. In my first interview with Mr. Hoyt, of which I have spoken, he requested my permission to visit me again. To this I readily consented, and as he suggested the propriety of our being formally introduced in society in order that our recognition might be public, I acceded to his proposal of meeting him at Mr. Moran's rooms (where he told me he was sitting for his miniature), in company with Miss A. C.—, from whom he said he would solicit an introduction to me. From this time his visits to me were very frequent. In an interview in the early stage of our acquaintance, I palliated some expression inadvertently used in one of my first notes to him, in which I had alluded to a feeling of desolation. To this he replied, "My unhappiness was the theme of public discussion, and was not a truth he had guessed from my note, but one he had learned from his observation of my countenance, before he had formed my acquaintance." Encouraged by my casual allusion to this subject (indiscretely made on my part, as I am ready to confess), in our association together he would frequently advert to my situation, as one of exquisite misery, picturing to me my husband's indifference, repeating unkind and cruel words, which he said my husband had used of me in the most public places, and assuring me that his alienation and coldness to me, his wife, were the subject of remark in society. This naturally incensed me against my husband, and made me regard him most unkindly. From the sympathy he expressed for me, entering into all my sorrows, with the utmost depth of feeling, our confidence became very trustful, and we conversed together with great unreserve. Such intercourse continued for some time, and thus was I unconsciously and imperceptibly prepared to lend my ear to an avowal of attachment, from which I would have revolted had it been preceded by less insidious preface. Shortly subsequent to this crisis, my husband received an anonymous note, which he promptly showed me. This circumstance precluded Mr. Hoyt's visits to my own house, notwithstanding the testimony to the contrary; for after this he never crossed the threshold of my door. And here I cannot forbear touching upon one part of the testimony, which affirms that I was locked up in a certain parlor for a number of hours. It is true, I had several interviews with Mr. Hoyt in No. 18, the rooms referred to; but those who are familiar with the location of the rooms at the Exchange Hotel, will readily recognize this apartment as one of the most

public in the establishment. It is well known, also, that persons wishing for privacy in a public place, always secure themselves private interview. In accordance with this practice, the door was fastened, as I know by association with Mr. Hoyt, as liable to remark, and I was not desirous of my interviews with him respecting the subject of public censure. I was there merely for private conversation, and the contents of those unfortunate letters will at once testify that such conversation, without the pollution of scurrilous and baseless accusations. My God! My God! will thou suffer the wretch to live who could pronounce such words—such base, dark, designing lies? They are black enough to have emanated from the bottomless pit—wicked enough to have issued from hell itself. I wonder the tongue that pronounced them was not pained—scorched—scathed—by the instant lightning of God's wrath. In all my indiscretions I remembered I was a lady; my virtue has not been wrecked, nor have I forgotten, for one instant, that delicacy, which is innate within the breast of woman. So monstrous a tale is too shocking, too abhorrent for human belief. My absence from Richmond, during May and June, 1846, when I was in the city of New York, and the fact of Mr. Hoyt being an entire stranger to me in the summer of 1846, (as our acquaintance only commenced the winter of that year,) at once puts the seal of falsehood—gross falsehood, upon the abhorrent testimony to which I have just alluded. Is it not strange, that when my letters refer to every interview I ever had with him, there should be no allusion, not even the most remote, to the meetings which are so vilely attributed to me? I use strong and emphatic terms, but I feel indignation uncontrollable, that such foul aspersions should be thrown so undeservedly upon me. As my personal interviews with Mr. Hoyt were suspended after the anonymous communication to my husband, our correspondence then commenced. Afterwards, and at his suggestion, we were in the habit of meeting at the Exchange, mostly in the public parlor, but two or three times in No. 18—(a public sitting room,) and once, at Mr. Hoyt's request, in 41—(a private parlor,) he saying we should not be there so liable to remark. As I was insensibly lured from the path of rectitude by seductive vows of eternal devotion, and heartening to such protestations, a responsive feeling awoke in my own bosom. I felt a faith—a trust in him, too firm to be shaken. I, without pausing to reflect, rushed on, wrecking and ruining my happiness by my own act. His manner and words always wrought on me the desired effect of more trustful confidence and protestations, and evidences such as these hurried me along with fatal precipitation.

A nature like my own capable of the deeper feeling, and trembling lest such feeling be unappreciated by the object on which it has been lavished, is often exhibited in my correspondence with him. Every doubt every fear was answered by assurances of undying devotion, and unswerving faith. Such words fed and nourished my fatal attachment, until I became reckless of public censure, and prepared to encounter it for his sake. After the interception of my letters, by Colonel Myers, I considered my association with Mr. Hoyt, forever ended. I was closely watched, and had no means of communication with him. A day or two after this event, Mr. H. sent me a package, by his servant, with message to the effect, that he would have written to me, but knowing my situation, he feared an interception of his note. He besought me to write to him by the messenger. On Monday I received a letter from him, saying he had been under my window for two nights hoping to see me. He enclosed me a card, and wrote me he would be at Dr. _____'s, (where I was staying) at a particular time that night, when I must have a letter in readiness for him, which was to be attached to the cord, lowered from the window, and he in like manner would transmit to me a communication from himself. Finding that he had mistaken the situation of my room, I, in acceding to his suggested plan, appointed him a window in front, where I could receive the proposed communication, and return to him the package I should prepare for him. In one of these letters he promised to continue his correspondence with me, after my departure from Richmond, provided it could be arranged with safety, saying it would be but only solace in my absence. He then entreated most importunately to destroy every line he had written to me, knowing I had numberless letters of his in my possession. This I promised unhesitatingly, and performed without one distrustful thought, and thus I robbed myself of evidence which might have palliated my error, since my own letters, sacred as I deemed them, have been committed to the Press, for the gaze, and taunt, of the unfeeling multitude. Does it harmonize with justice, thus to deliver up to public print one portion of a correspondence, while the other part which induced it, is forever shrouded from publicity? To my judgment, 'tis an act of injustice from which, I should imagine, every humane heart would revolt with abhorrence. Having unfortunately deprived myself of every line which prompted such passionate expressions of affection, I am unable to contrast with mine, those professions of equal warmth, and equal fervor, which I was accustomed to receive, and which might have excused the tone of my replies. The letter intercepted, and most fortunately preserved, by my father, is the only one from Mr. Hoyt, which appears, in comparison with my own; though from it one can easily gather that I was not the only actor in the correspondence, nor the only source from which emanated professions of devotion and epithets of endearment. I wrote in the very sanctuary of confidence, never dreaming that another eye should behold evidences of my feelings, but the one for whom such vows were registered, and yet, in the very secret and shadow of such confidential intercourse, mark how often I appeal to him for my purity, my guilelessness—"your pure and spotless v—," "you know the purity of this heart—you know not one impure thought has ever dwelt there"—"in the presence of Heaven itself I could swear that this bosom is as free from guile, free from impurity, 'as an angel's, and rather than lose that purity, that delicacy, which I know is the jewel of my character, I would rather lose life itself."—"every thought of this heart is as pure, as spiritual as heaven itself," although the world may accuse us, yet in our own hearts we have the consciousness of innocence, and that will sustain us." Is it reasonable that such expressions as those, would have found their way into such confidential communications, if one stain of guilt—one spot of pollution had marred my intercourse with him? Is it reasonable I should thus have pointed to my purity, unless I had been spotless and unblemished? Oh! No! No! A letter I addressed to my husband, has also been exhibited, calculated to represent me as acting with the utmost duplicity. There are circumstances in extenuation of this. On the day after Mr. Myers' departure for the North, Mr. Hoyt asked me when I should write to my husband. On my replying, "the following day," he said, "remember, it is important that your letter should be couched in the most affectionate terms." I remarked, "I thought such advice from him singular, and inexplicable." He replied, "You have always been in the habit of writing to him affectionately, and were your letter now characterized by coldness, his suspicions might be excited as to the cause." When I penned those words to my

husband, I really felt just as I wrote, for when I was with him, or in correspondence with him, my conscience reproached me for the wrong I was doing him, and at such moments I felt kindly and tenderly toward him.

There is one point in this fatal correspondence which I wish to rectify, and that is the entanglement of my sisters' names in some of the letters. They were both unsuspicious of the nature of my association with Mr. Hoyt; I was entirely ignorant of the nature of my correspondence with him, and my elder sister ignorant even of the fact of my acquaintance with him, beyond the mere casual acquaintanceship of formal, fashionable intercourse.

Thus, my dear friend, have I given you all the particulars of our association, which has ended so fatally for one of the actors—so unhappily, so unfortunately for the other; for I am now mourning over the ruins of my domestic peace, which my own hand assisted to demolish; yet, in this house of gloom and of darkness, while the storm rages around me, and even the voice of pity is hushed by the tumultuous tempest of public reprobation, I find my conscience serene amid the billows, for that conscience whispers unceasingly to my agonized heart, that of crime—of guilt, I am as sinless as a seraph before God's throne; and in that great day of retribution, when all secret thoughts and secret feelings shall be uncovered, my purity shall be read, in bright characters, by those who now condemn me—crushed and overwhelmed as I now am. The world feels authorized to hurl the most cruel accusations against me; but God is my refuge from man's violence, and I live in the abiding hope that the hour will come, when I shall be regarded as a deeply injured and greatly wronged woman. I have been keenly affected by the recent reception of two anonymous letters, couched in the kindest terms, breathing all the fragrance of sympathy, and assuring me that the belief of my innocence is indelibly stamped on many hearts. Oh! with what thankfulness, with what tearful gratitude did I dwell on those kind and tender expressions! The world cannot know the bleeding heart it lacerates by unwholesome suspicions, undeserved condemnation, or its hand would be stayed. You, my friend, who have known me from earliest childhood, have watched my girlhood melting into the maturity of woman, smiled at the bright happiness of my early married life, you will not refuse to shed the tear of sympathy over the wreck of my earthly prospects. You remember me as I was in the fresh rural shades of my youthful home; but transplanted to the atmosphere of fashionable life, the freshness of my feelings withered, and though virtue has stood steadfast, immovable, amid all allurements, I have seen the death of that buoyancy of spirit which once encircled me; for the harshness of the world has now trampled, bruised, and forever crushed it.

May God enable me to bear my trial meekly, assured that high heaven will not always shroud the pure innocence of

Your afflicted friend,

VIRGINIA MYERS.

ALTA VISTA, ALBEMARLE CO., VA.

SENTENCED.—William A. Powell was tried and convicted at Cheraw, S. C., with having stolen a negro boy and selling him. He was sentenced to be hanged on the first Friday in January. They are determined in the south to punish this crime severely.

MONTRAL BANKS vs. MRS. JAMES.—It seems that the clerk in cashing a check of 40 pounds for Mrs. James, gave her 60 pounds too much, he having taken up a roll of \$10 bills in mistake, and paid her in these instead of one pound bills. The Court in Canada gave a decision for the Bank.

A DOUBLE DISAPPOINTMENT.—The Rev. Mr. Niles, of Lowell, in crossing over the ferry at East Boston, had his pocket picked of six manuscript sermons, not one of which had been preached. His regrets are only equalled by those of the thief, who probably imagined he had a package of bank notes as his prize.

GIVE OUT HIS NAME.—The Sunday Morning News of this week contains the following:

ANOTHER BLUEBEARD.—We have authority for stating that a hatter, now doing an extensive business in one of the lower wards, has been in the habit of advertising largely, for some time past, for young girls to assist in hat trimming, and has made a regular business of attempting the seduction of each new applicant—in too many instances proving successful in his villainy. Some five or six victims are now encircled by this scoundrel, and, but a few nights since, he was detected and exposed in an attempt to decoy another—beautiful girl from New Haven—into a house of prostitution for the same infernal purpose. One of the unfortunate females, whom he has thus ruined, has become nearly bereft of reason, she having ascertained that he is a married man, with a large family, and has in consequence made several attempts at suicide! Can such abominations be tolerated in a Christian city?

Why not give his name and drive him from the city?

DOING THINGS IN BOSTON.—In the Boston Police Court, on Monday, a colored servant, in the employ of E. G. Loring, Esq., by name Hewey Turner, and an Irish woman, were put under bonds of \$100 each, to answer to the Municipal Court, for the crime of lascivious cohabitation; and John Sinclair and Kate Alley, alias Caroline Hall, were bound over in the same sum for a like offence.

AUT CESAR.—The famous Jo Bartlett, when a wreck of what he had been, appeared in court with a notoriously litigious negro, named Caesar, as client, and on being kindly reproved by the judge for appearing in such a situation, with such a client, said—“May it please your honor, ‘aut Cesar, aut nihil’!”

FATAL AFFRAY.—At Coffee's Bend, Texas, on the 5th of October, Hollaand Coffee and Charles Galloway had a street fight, and both being armed, as seems to be the custom in that country, of course there was a death. Coffee shot at Galloway, ineffectually, and Galloway stabbed Coffee so that he died in a few minutes. Both “highly respectable,” &c., as usual.

MORALS OF SOUTH BOSTON.—A justice of the peace in South Boston, Mass., not long since fined a poor man five dollars for hoeing his potato patch on Sunday! Such a justice ought to be ‘hoed out’ of office.

SUICIDE IN PRISON.—James Coyle, a Scotchman, committed suicide by cutting his throat with a razor, in the Philadelphia Tombs, on Sunday. He was in for an assault and battery.

STOP THE SEDUCER.—Handbills have been issued through the country, signed by Milton Hunt, dated Greensboro, Guilford county, N. C., Oct. 29, 1846, offering a reward of \$500 for the apprehension of an individual named S. P. Coffin, who has absconded from that place, taking with him the wife of Mr. Hunt, and several thousand dollars. Mrs. Hunt, left behind her four children, the youngest but 14 months. Coffin is about 28 years old, tall and slender, has black hair, tolerable large whiskers, talks quick, and has fled from a wife and two children.

NOT SHOT.—The Indiana Patriot says: “The man who stabbed Lieut. Purcell, at Fort Whitcomb, near New Albany, was not condemned to be shot, as has been rumored. He was sentenced to carry water for the use of the volunteers for one year, to receive no pay, and then be drummed out of camp.”

SENTENCED.—Benjamin Ridgeway, convicted of murder in the 2d degree, in London county, Va., has been sentenced to the penitentiary for 18 years. Wm. Clip, convicted of manslaughter in Jefferson county, Va., has been sent to the penitentiary for three years.

THREE CHILDREN MURDERED BY THEIR MOTHER.—In the district of Edgefield, N. C., on the 28th ult., a negro woman named Clarissa was tried for the murder of her three children, having cut their throats, and then carefully folded them in the bed clothes. The eldest, besides having its throat cut, was wounded by an axe. Some intimation was given that the woman was of weak mind, and she was in consequence declared not guilty.

A PARALLEL TO THE RICHMOND CASE.—The Charlottetown “Royal Gazette” relates a most extraordinary attempt at murder, by a man named Connors, who had separated from his wife, and was jealous of Meagher, who had been a servant with him, and sometimes took his wife's part when he abused her. Connors had a letter written to Meagher in the maiden name of his wife, as if it came from her, requesting to see him on business. Meagher went, and was waylaid by Connors and his brother, and despatched shot at several times. He escaped to the woods wounded; but next morning came out and had the assailants taken into custody. Public feeling is so deeply excited against them that their trial has been postponed till June next.

EXTENSIVE MAIL ROBBERY.—The St. Louis Union states that it has been ascertained that the mail for New-York, made up in that city on the 1st of October, never reached its destination, and it is supposed that this was the fate of others. The extent of the robbery is not known, but it is understood that L. A. Benoit & Co. mailed on that day, to New-York, from \$1300 to \$1400 in bank notes, and \$5000 in drafts; J. J. Anderson & Co. \$800 to Pittsburg, and \$300 to New-York, all in bank notes; Presbury & Co. \$600 in bank notes, to New-York; and other brokers, it is believed, also made remittances. The presumption is that the robbery was committed between St. Louis and Wheeling, for had the mail reached there, the Pittsburg letters would then have gone safe to their destination. No information has yet been obtained by which to trace the robbery to any particular point or individual.

City Police Items.

HIGHWAY ROBBERY.—Officers Connally and Riley, of the Sixth Ward, arrested on Saturday two black fellows called Sam Rice and George Morgan, on a charge of knocking down Abraham Hummer, of Lebanon Township, Hunterdon county, New Jersey, while passing along Orange street, on Friday night, dragging him into an alley-way, and while there robbing him of eight dollars in money, and his coat and boots. The coat and boots were found on the person of one of the prisoners. Justice Osborne committed them both for trial.

ROBBERY.—Stolen, by a young man by the name of Alfred Barnard, on Friday afternoon, from the premises No. 3 Sullivan street, a double barrelled gun, a pair of pistols, 3 pieces of gingham, 3 dresses muslin do-lain, a carpet bag, and several small boxes containing fancy goods, the property of Mr. Alfred Roberts. This young thief is described as being about 5 feet 5 inches high, dark complexion, curly hair, black eyes, wearing a green coat and dark pantaloons. It is supposed that he went to Albany, or in that direction, therefore officers, be on the look out.

ROBBERY IN PRISON.—Elizabeth Cochran died on Wednesday in one of the cells of the Essex Market police prison in this city. She had been imprisoned for disorderly conduct, and is supposed to have died in consequence of drinking some liquid prepared by a physician for a lotion. It contained alcohol and camphor, with other ingredients, and deceased probably drank the whole dose for the sake of the stimulants it contained.

CONSPIRACY TO DEFRAUD.—Officer Dennis, one of the attaches of the Court of Sessions, arrested yesterday afternoon a man by the name of Harvey R. Marks, on a bench warrant, issued by the Court of Sessions, wherein he stands indicted, with two other individuals, called John K. Townsend and Alfred Kershaw, for a conspiracy to cheat and defraud the public by an establishment of a mock insurance company, called the New York Fire, Marine, and Inland State Stock Insurance Company, office No. 30 Wall street, representing their capital at \$600,000. They also published in an advertisement a list of twenty-five fictitious directors the names of some of our most respectable citizens, but altering the christian names so that the majority of persons imagined them to be the same individuals. As secretary they used the name of a Mr. McFarland, who at once applied to the proprietor of the newspaper that contained the advertisement, and requested his name to be withdrawn, it having been used as secretary to the mock insurance company without his authority. This was done, and since that the parties have been indicted by the grand jury for a conspiracy.

The accused was conducted before Justice Drinker, who held him to bail in \$5,000, for his appearance at Court for trial, in default of which he was committed to the Tombs.

GRAND LARCENY.—Chas. Bonnell and Walter Mumford were arrested on a charge of picking the pocket of Emma Place, alias Clifton, residing at 100 Church street, of a purse, containing \$50 in bank bills.

FOUNDLING ASYLUM.—An inquest was held on the body of Fanny Shaw, on Saturday last, who was found in the streets by a policeman in a most wretched condition. She was taken to her residence, and it was subsequently ascertained that she had been just delivered of a child which she had left exposed in one of the cellars in the Alms-house, where it was found alive. The mother soon after died, and the verdict of the Coroner's Jury was, that she died from hemorrhage of the womb.

A Foundling Hospital would have prevented this attempted child murder and death of the mother.

DISHONEST CHARGE.—An elderly looking man of genteel appearance, was complained of on Monday, before Justice Osborne, of having been guilty of certain disgusting and offensive acts, such as are almost nightly practised around the Park and Battery, to the great disgrace of the city. The magistrate held him to bail for his future good behavior.

Question.—After getting the wound what did you do?

Answer.—I thought I would die.

I was taken to Dr. Watson's and from thence to the hospital, where I remained three weeks; my sister had been a servant in Marx's family.

CROSS EXAMINED BY JOHN GREGORY.—I saw my sister the day I was shot, at No. 20 Prince street; I went there to see her after I had got done serving my milk, about half-past 9 o'clock; I got to the house in Broad way a minute after she got there; the door was shut when I got up to the stoop; my sister called me to come up; the door was then partly open; she was then talking to one of Mrs. Marx's daughters; I did not hear what she said to Mrs. Marx's daughter before she called on me: I think she said she wanted her clothes; I was talking to Mr. Springer, the lamp-lighter; I heard my sister say she had come for her clothes, and had brought her brother; I did not hear my sister call Mrs. Marx's daughter a bitch; my sister was going in through the second door when she called me; I was then talking to Mr. Dolan; when I got in the hall, the young lady who opened the door went to the room at the far end of the hall, to tell her mother; I recollect when Mrs. Marx appeared in the entry that she told my sister she had given her clothes in charge of the coachman; my sister did not tell me they had been trying to keep her out of the house; I did not strike one of the daughters on the breast, nor Mrs. Marx on the arm: I did not call them any names; I did not threaten to strike Mrs. Marx and her daughters; I did not make any motion to strike them; my sister did not, nor urge me to do so; I did not take hold of Miss Emma Marx by the breast as she was going up stairs, and throw her down; I never put a hand on any of them; It was not a minute after she went up before Mr. Marx came down; I did not hear him ask his mother if she had ordered me out of the house; he came down instantly, without any hesitation, and swore he would have my life; if he had ordered me to leave the house I would have heard it; I was scared when I saw the pistol; he had it in his right hand as he was coming down stairs, so you could see it plainly; I swear I never made a motion to go up stairs; he did not stop half way up the stairs and tell me to leave the house or he would force me; to the best of my opinion the front door was open all the time; he did not lay hold of the outside door for the purpose of shutting it; I did not push it open and lay hold of him violently; I never put a hand on him until he struck me in the face, when I pulled the handkerchief off his neck; I did not attempt to force the door open after he closed it; I did not push his head through a pane of glass; I did not strike Mrs. Marx twice in the face, nor did I see any bruises on her face; I thought my head went into a thousand pieces when the slug went into my shoulder; (laughter) I saw him shoot me across my shoulder. (laughter)

ANSWER.—I am the sister of the last witness; I lived on the 11th of July last at No. 30 Prince street; I left Mrs. Marx's on the 10th of July, and did not take my clothes; I went back in the evening, when Mrs. Marx said I should not have my clothes until Mr. Marx pleased to give them to me; I took my brother there with me the next day, between 9 and 10 o'clock, A. M.; Miss Emma opened the door; I took hold of the knob of the door, it is so seldom you can get it open, and called my brother in; I went in the first door, and she slapped the inner door in my face; I pushed it open and stood until my brother came; Mrs. Marx and her daughters came out of the dining room; I told her I had come for my money and my clothes, when Mrs. Marx began to call us all sorts of names, and told Miss Emma to go and tell her son to come down and shoot this bloody Irishman; she went up two steps; he came down with a pistol in his hand, when his mother said Henry, I want you to shoot this bloody Irishman; he said yes; seemed as if he was ready to take any one's life; he looked so fierce with his morning gown on; I took my brother by the arm and coaxed him to come out. They all commenced scratching at him; I got him out on the platform of the stoop; I saw Miss Marx take the pistol in his left hand, and take hold of the knob of the door with his right, and then he shot my brother in the shoulder; I was then going down the stoop with him.

CROSS-EXAMINED.—I left Mrs. Marx on the 10th of July; chambermaid left at the same time; I went there the same night with three girls for their wages; I did not curse or swear or make a noise round the door; I knocked at the basement door, when Miss Emma saw me at the front door, she ran in and shut the inner door.

TUESDAY.—William Lynch examined.—I am in the employ of the Pekin Tea Company, No. 76 Fulton street. On the 11th of July last, as I was passing down Broadway, near Great Jones street, I saw a girl, (Ann Cusick) standing inside the front door; she was then calling her brother, who immediately ran up the steps, and into the hall. I stopped at the door for a few minutes, near the door, in conversation with a friend, when the milkman and his sister came out together; the girl held her brother by the arm; the milkman's back was not quite turned towards Mr. Marx; Mr. Marx fired the shot, then closed the door; think that Mr. Marx stood on the threshold of the door, and the milkman on the platform, or stoop, at the time the pistol was discharged.

DR. ROBERT LITTLE EXAMINED.—I am a surgeon in the City Hospital; a man by the name of John Cusick was admitted into the hospital on the 11th of July last, and remained there 31 days; he had been wounded by a ball in the back, near the right shoulder blade; there were two orifices, one where the ball went in the other where it came out; I presume it was a common sized pistol ball, somewhat larger than buckshot.

CROSS-EXAMINED.—I probed the wound; the distance from where the ball went in to where it came out was about five inches; it was merely a flesh wound; the ball entered near the edge of the right shoulder blade, and came out near the top of the shoulder; the ball entered at the lower orifice, and came out at the upper one; I know this from the fact that the ball leaves a smoother hole where it goes in than it does where it comes out.

WM. STRINGER EXAMINED.—I am a gas lamp lighter; while at a lamp post about 30 feet below the house of Mrs. Marx, in Broadway, on the 11th of July last, I heard the report of fire arms, and almost at the same instant perceived a smoke issuing from the door of Mrs. Marx; I saw the face and shoulders of Mr. Marx; he had a morning gown on at the time, and stood in the sill of the door, with one hand holding Cusick; I did not see any pistol in the hands of Mr. Marx.

JACOB C. KEMP EXAMINED.—I was coming up Broadway, near the house of Mrs. Marx, on the 11th of July last; I saw a female go up to the steps, and enter the door; on arriving opposite the house, I observed that there appeared to be some difficulty at the inside door; I stopped at the door for a moment, and saw this person, (pointing to Cusick) go up the steps and enter the

house; I then left and went to the store; after being there a few moments, and relating to the persons in it what had transpired, I heard the report of a pistol, when I ran down to the house of Mrs. Marx and saw this man, Cusick, on the stoop; he had been shot; the door of the house was then closed; I did not see Mr. Marx; I saw no person except Cusick and his master.

Dr. John Watson examined.—The ball went in at the lower orifice and came out at the upper one; from the examination that I made, I would not say whether the ball struck a bone or not.

The testimony on the part of the prosecution being brought to a close, the case was opened for the defence. The defendant's counsel, in the course of his remarks, stated that he should show in the progress of the trial, that the accused did not shoot Cusick, but that the pistol was discharged by another member of the family.

PLATE OF GUILTY.—An old state prison bird and escaped convict, named Rodell Roberts, lately caught in the commission of a burglary, and now indicted for that offence, this morning pleaded guilty, and was remanded for sentence.

WEDNESDAY.

Mary Caroline Marx, sister of the accused was called as the first witness for the defence. She testified that after Cusick the complainant came into the hall of the house on the morning of the affray, that he struck her with his fist, and called her a d—d bitch, and called her mother a drunken hussy, and struck her several times on the arm, and tore off part of her thumb nail so as to draw blood—that the accused repeatedly ordered him to leave the house. That he was ejected from the hall and then burst open the door again, and with both hands, seized the accused, and dashed his head violently against the side of the window and broke the glass; her mother then took hold of Cusick's arm for the purpose of drawing him off from accused, when he immediately struck her in the face, on the left cheek bone with his fist. That witness then took up the pistol, and as she held it out it went off. After the pistol went off, Cusick continued striking accused, until they got to the street door, when Cusick seized hold of the coat of the accused, which gave way, and came off; I did not know that I had shot Cusick until my brother was arrested; I was so alarmed at the time of the occurrence, that I was under the apprehension that my mother and brother would be murdered.

Mrs. Mary Marx, mother of accused, on being examined, described the nature of the injuries she received from the blows inflicted on her person by Cusick; and also corroborated the facts testified by her daughter, Mary Caroline.

Emma Marx, sister of the accused, also corroborated the statements made by her sister, the first witness examined for the defence.

NATIONAL POLICE GAZETTE.

SATURDAY, NOVEMBER 14, 1846.

NATIONAL INDEPENDENT POLICE.—All business of a civil or criminal character, involving the loss or recovery of property, or offences against the laws, will be punctually attended to by the proprietors of this paper, who have several of the most competent men in the United States in their employ. The utmost secrecy is observed in all communications transmitted to their care, and, whenever necessary, the principals will assume the direct accomplishment of the business.

[OFFICIAL.]

HEAD QUARTERS OF THE ARMY,
Adjutant General's Office,
Washington, Oct. 24, 1846.

It being supposed that advertising deserters from the "National Police Gazette," may have a tendency to check desertion by increasing the chances of the apprehension of the offender, a large subscription to the paper has been authorized, by the Secretary of War, with a view to its general distribution among the troops.

Accordingly every company, military post, and recruiting station, will be supplied with a copy; and commanders of posts and companies and recruiting officers, are enjoined to make such disposition of the paper as may best accomplish the object of the government in subscribing for it. Should a post or rendezvous be broken up, the station of a company changed, or should the Gazette fail to be regularly received, immediate notice thereof must be given by the officer concerned, to the Superintendent of the recruiting service in New-York, who will promptly communicate the same to the Editors. In like manner, if a soldier desert from any company, or a recruit from a rendezvous, the company commander, or recruiting officer, will at once forward his description direct to the Superintendent, in order that no time may be lost in advertising him.

BY COMMAND OF MAJOR GENERAL SCOTT:
W. G. FREEMAN,
Assistant Adjutant General.

A VOICE FROM ALTA VISTA; OR, THE LAST ACT IN THE RICHMOND TRAGEDY.—We give in another portion of this day's paper the last letter of that wretched creature, Mrs. Myers. It is endorsed at her father's residence, in Virginia, and fitly winds up a series of amorous epistles which for sensual depravity, for blasphemy, and for refined deception is perfectly unexampled. Unlike those which were devoted to the god of her sensual idolatry, this last one is put forth as an appeal to the public, and as an offset to the unstudied and headlong evidence which was contained in her criminal correspondence with the deceased Hoyt.

If Mrs. Myers, not satisfied with being the most detestable character of her sex in the present age, had felt the strange ambition to outstrip all examples of the past and defy the malignest imitations of the future, she could scarcely have devised a measure more complete than this same disingenuous and fiendishly cold-hearted letter. We have previously had her vows, her passionate pledges of undying love, her burning kisses, and her wild appeals to heaven, and this last puts us in possession of the proof of the degree of their sincerity. "Her darling" lies moulder in his grave, and she who lured him to his death; she, whose persevering lust allowed his enchanted sense no time to cool and free itself from the dangerous delirium; she who saw him true to her from the first, true to her to the last, and never wavering in his truth even in that dreary parting-hour, when the terrors of

hereafter would have frightened the protecting perjury from a less devoted soul; she, this creature, nay, this monster, insults his sacrificial death-bed on a mere surmise, and writes, with a cold and cruel hand, a valedictory which is designed to hold him up to universal execration.

She does not do this, however, out of mere caprice! Oh, no! she does it with a wiser calculation, and philosophically concludes that the character of a dead lover, who can be put to no more use, cannot perform a more efficient final service than to patch up her dilapidated reputation at the expense of the fragments of his own. She has missed her aim. The public to whom she has appealed regard no crime so atrocious as ingratitude, and none so detestable as deception, and they will, never extend forgiveness to the employer of the one or to the other, unless the appeal comes recommended with a frank confession and unmistakable evidences of sincere contrition. But these generous and softening qualities are not compatible with the spirit in which Mrs. Myers has attempted to bolster, deny, and palliate her crime; and, therefore, she has appealed in vain. The public are not so easily deceived as an infatuated husband, and it will be difficult to make them believe, on her own bare protestation, that a woman can be innocent who daily reminds her paramour of her burning kisses, who writes to him of reposing on his bosom, and who makes the most sacred secrets of her marriage-bed, a theme for shameless gossip. Neither can they be persuaded that she who proposes a *divorce* and urges an *elopement*, can act from any impulse superior to her own misguided will.

We have been led to these remarks because we are induced to believe (for certain reasons which may appear hereafter), that the "appeal to the public" is but a preliminary movement to the reinstatement of Mrs. Myers to her former position in society and in her husband's household; and if this be so, we wish to enter our solemn protest against the unhallowed act. If Mrs. Myers be unstained, then Mr. Hoyt has been guilty of no sin deserving death. If she be not an adulteress, then the man whose nice, unwavering honor prevented him from making her one, through all the temptations and the storms of passion, is a paragon of honor, and deserving of her *eternal* adoration. If she be fit to go back to a husband's arms, then their joint victim has been foully murdered. In brief, the most favorable view that we can take of the atrocious problem leaves but one of two deductions, and these are, that either Mrs. Myers is a strumpet, or that her husband is an assassin. Our protest, therefore, is merely against an act that must establish both.

PETTY TYRANNY.—We have before us some papers in relation to a most flagrant piece of petty tyranny and contemptible persecution, practised by an up town captain of police upon one of the members of his force, which we shall treat upon next week at length, unless means be taken in the interim to make amends for the gross outrage. We do not now speak from motives of regard to the more personal wrongs of the individual in question, but in vindication of the assault upon the principle which protects every citizen, whether he be a policeman or in private life, in the enjoyment of his personal independence. The assumption of a star and a club does not contemplate the resignation of the dearest privileges known to man; and a wound dealt upon the independence of an American citizen, in whatever station he may be, calls for the interference of every member of the community. No wrong of this description shall pass by us unchallenged, at any rate.

RE-ARREST OF DR. HATCH.—The notorious counterfeiter, Dr. Hatch *alias* Dr. Brown *alias* Dr. Jones, was arrested in Baltimore, on Monday, by officer Simeon Hays. He is charged with altering nineteen counterfeit one dollar notes on the bank of Annapolis. Our readers will readily trace this rogue as one of the robbers of Livingston & Wells' Express, who was released after he had confessed his guilt, and restored a small portion of the money, in accordance with the "compromise system of the Old Police."

ROBBED HIMSELF.—Mr. Savery, of Boston, who alleged a few days since that he had been robbed, on the route to this city, of \$2,400, was brought to a "pint" by Relyea, of the Independent Police, and compelled to "own up" that he had robbed himself, and finally restored the lost money to the satisfaction of his creditors.

"FENCES" ARRESTED.—Augustus L. Weber, of 479 1/2 Pearl-street, and the tailor Hessler in Leonard, near Centre, were arrested on Tuesday for receiving silver ware stolen from the Poughkeepsie hotel, by William Anthony, a black.

THE FATE OF FRAUD—THE GRAND JURY.—The public, who have observed the progress of the proceedings instituted against us by Policeman A. M. C. Smith for our honest exposure of the infamous compromise and division of plunder between the thieves and officers concerned in the robbery of Livingston and Wells' Express, will be gratified to learn, that the Court of Sessions, on Saturday last, put its solemn seal of reprobation upon the dishonest conduct of the complainant and his legal adviser, by striking their fraudulent indictment from the record.

This action, on the part of the Court, has been productive of far greater results than the mere reprobation of the conduct of a miserable underling. It has established a precedent for the emancipation of the lay and elective members of the bench from the absolute and arbitrary sway of its appointive branch, that, in the present state of public feeling, and under the present peculiar circumstances bearing upon the court, is destined to exercise a very powerful future influence. It has struck a blow at the grand jury system by denying its omnipotence, and by placing its action subordinate to the power of the supreme Legislature of the state, from which it will not easily recover; and which adds a new guarantee to the liberty of the citizen.

We prize this last result far above the disgrace of a disappointed rogue, or our personal triumph in the frustration of his fraud. We have labored for the last year to expose the evils and the dangers of the Grand Jury system, and it has in this case been our high fortune to deal it, from the bench, its first fatal wound. We have by no means been the first who have suffered by its perverted and partial action, but we have been the first to turn our wrongs to the account of Justice and to the establishment of a great principle. From this time out, the citizen who is charged with a crime and who claims before a magistrate the right of being heard in his defence, cannot be swindled of that inestimable privilege by the action of a secret, one-sided, irresponsible tribunal, but has the advantage of confronting and rebutting his accuser, and of showing the falsity of the charge against him while the alleged offence is fresh, and while all the witnesses of his innocence are readily to be obtained.

It is a common thing for lawyers, who love every thing which fosters and promotes litigation, and for judges, who are wedded to old forms, to speak of the Grand Jury as a palladium of the liberty of the citizen. But it is one thing to repeat a stale maxim with gravity, and another thing to sustain it with satisfactory reasoning.

When, where, and why were Grand Juries established? and how did they earn the reputation of which the above maxim is the measure?

They were established at an age, in monarchical England, when judges were creatures of the king, and where a check was necessary upon a committing magistrate who was not responsible to the People. Grand Juries were therefore established, and were made secret inquiries, that the minions of power should not question their motives, or check their independent action. They were also made, *ex parte*, to secure this secrecy, and to further guarantee the main desideratum of their independence from extraneous influence, each grand juror was sworn not to communicate the proceedings of the sittings, and was held to be irresponsible for his acts.

With these attributes, their will could not be thwarted, and the subject who had suffered from the tyrannous encroachments of the crown, hailed the intervention of a congenial body as a check upon the equally irresponsible judicial minions of that crown. The Grand Jury was regarded as another guarantee of liberty, and, while the morals of the State were in a deplorable condition, it doubtless restrained enough abuses to earn it a good name. Having been wrung from power as a boon, it continued to be regarded as a blessing even long after it had ceased to possess a virtue, and in this condition, without the slightest applicability to our institutions, it was imported bodily, with the executive prerogative of pardon, and numerous other inconsistent and uncongenial systems, and engrrafted upon our policy and jurisprudence. But ever since its introduction, it has been at war with every portion of our republican system, and has encouraged and increased the evils which it is supposed to check. With a statutory right of being heard in defence upon a preliminary accusation, the citizen does not need the intervention of a tribunal which hears but one side, and that side the bitterest enemies he has on earth; and he can, with much more safety, go to trial from the hands of a magistrate who is directly and openly responsible for all his acts, than from the hands of a visionary tyrant which has neither soul for remorse nor a responsibility that can afford redress.

The original object of the Grand Jury was, as we said before, that it should operate as a restraint upon the magistrate; but if it should appear that its tendency is to encourage the very evils it was designed to check, the most reluctant mind will scarcely fail to acknowledge its uselessness, and own its absurd frustration of its aims.

The magistrate now, upon receiving a frivolous complaint, or hearing an examination where there is no substantial testimony against the accused, is not made careful of his action by the responsibility which he would be obliged to assume if there were no intervening power between him and the court; but, without any puzzling hesitation as to whether he shall commit or discharge, settles all doubts by shifting the responsibility to the Grand Jury, who have no responsibility at all. The Grand Jury, in turn, consider the magistrate must have had strong grounds for the commitment, and, in this mood, listen with favor to the downright swearing of the exasperated prosecutor. The result is, a man is indicted who never should have been arraigned, and nobody is to blame. Is this a check to the conduct of corrupt magistrates? Does the fact of relieving them of all responsibility for their course tend to make them perform their duty with a more strict regard to justice? The question finds its answer in itself!

If, however, with all its inconsistency and all its evils the Grand Jury is to be endured, it should not be endured with all the odious attributes which were devised only to hedge it against monarchical interference years ago. It should not be secret, because there is no great aristocratic power in this country which overhangs and threatens the independent action of any tribunal whatever; and it should not be secret, because the whole design, theory, and spirit of republican institutions refuse to recognize a principle that any body, or court, or agent, should act for The People, and not be responsible to The People.

We therefore repeat again, that, in default of the entire abolition of Grand Juries in criminal cases, we demand *open sessions*, that we may know hereafter how the fourteen hundred wealthy men in the city of New York, who alone are eligible to the service, deal with the lives, the liberties, and the sacred honors of the remaining quarter million of their poorer fellow-citizens.

IMPORTANT CASE.

NATIONAL POLICE GAZETTE AD. A. M. C. SMITH.—The argument in the case of the Editors of this paper on motion to quash an indictment for libel, found by the Grand Jury of the Court of Sessions of this city, for the October term, took place before that Court, on Saturday, October 17th, Recorder Scott, and Aldermen Walsh and Compton, presiding.

The argument was opened by A. D. RUSSELL, Esq., for the plaintiffs, who introduced the following affidavits as the basis of the motion.

CITY AND COUNTY OF NEW YORK, ss.—George Wilkes, of the said city, being duly sworn, deposes and saith, that on or about the eleventh day of September last, this deponent and the above named Enoch E. Camp, were arrested for a libel upon the above named Alexander M. C. Smith, published in a certain newspaper called the "National Police Gazette," of which they are alledged to be proprietors and publishers.

That on being brought before the Justice issuing the said warrant (William W. Drinker, Esq.), this deponent and his co-defendant demanded a hearing, which was fixed by the said Justice, for the fourteenth then instant, at four o'clock, P. M. That on the return of the said adjourned Justice, the said defendants appeared before the said adjourned Justice, accompanied by their counsel, and that the complainant did not appear; whereupon the said Justice, after waiting nearly an hour further, adjourned the said hearing to the fifteenth then instant, at the same hour, and in the meantime issued another subpoena to compel the appearance of the said complainant for further examination returnable theret.

That on the return of the last mentioned adjourned the said defendants again appeared, accompanied by their counsel, and the said complainant also accompanied by James R. Whiting, as his counsel, who being unable to proceed, requested, as a personal accommodation to himself, that the said hearing might be further adjourned to the twenty-third then instant, at the same hour, to which the defendants, through their counsel, assented.

That on the return of the last mentioned adjourned the said defendants again appeared, accompanied by their counsel, and the said complainant also, when the said Justice informed the said defendants that a bill of indictment (as he had been informed by the said complainant), had been found in the said Court of Sessions, covering the ground of complaint before him, and that he did not consider himself authorized to proceed further with the investigation—the indictment having, as he alledged (until vacated or discharged) suspended his jurisdiction in the matter.

That, at the request of the counsel for the said defendants, the matter was further adjourned by the said Justice, to the twenty-fifth day of October instant, in order to enable the said defendants, in the meantime, to apply to the said Court of Sessions for relief, and from that day no opportunity for that purpose having offered itself to the present instant.

GEORGE WILKES.

Sworn to, before me, this 9th day of October, 1846.

W. WALN DRINKER, Special Justice.

In the matter of the application to the Court of General Sessions, &c., held in and for the City and County of New York, to vacate or discharge the indictment found on the complaint of Alexander M. C. Smith against Enoch E. Camp and George Wilkes.

City and County of New York. Jonas B. Phillips, of the said City, Assistant District Attorney of the city and county of New York, being duly sworn, deposes and saith, that on or about the twenty-second day of September last this deponent was applied to by the abovenamed Alexander M. C. Smith, to have the defendants in the foregoing affidavit mentioned indicted on a charge of libel. That this deponent, having been informed that the said defendants had been already arrested on a similar charge, on the complaint of the said

Alexander M. C. Smith, and that the matter was then pending for investigation before the Justice who issued the warrant (William W. Drinker, Esquire), and supposing that the charges might be the same, declined taking any steps toward indicting the said defendants, until the matter should have regularly passed from the jurisdiction of the said Justice; that the said complainant thereupon informed this deponent, as he understood him to say, that the indictment was intended to embrace a different libel from that which he had complained to the said Justice, at the same time handing this deponent what he represented to be a different publication, and on an indictment, incorporating the said publication into it, which was prepared in the office of James R. Whiting, Esquire, as the deponent was informed and believes.

That this deponent declined sending the same inasmuch as the District Attorney was then absent, and as it is not his custom to submit any papers to the Grand Jury, except such as come regularly from the Police Office, without first submitting them to the District Attorney.

JONAS B. PHILLIPS.

Sworn before me, Oct. 9, 1846.

A. A. PHILLIPS, Commissioner of Deeds.

Mr. RUSSELL then proceeded with his argument, and stated that at the time this indictment was found by the Grand Jury, the matter was undergoing an investigation before the Justice, and that when a complaint was so lodged, and hearing demanded by a party, it could not be taken out of his hands until he had passed upon the whole matter, and either discharged or fully committed the party. That this was a right conferred by Statute, [2d R. S. 592] of which a party cannot be deprived. (See *People v. Restell*, 3d *Hill*, 300, 12 *W&H*, 346.) And also that where a public officer is clothed by Statute with power to do an act which concerns the public or third parties, the execution of the power may be insisted on as a matter of right. [See 3d *Hill*, 614.] That the indictment therefore was prematurely found, and ought to be quashed, or stricken from the files of this Court. He also argued that the duties of a Grand Jury in ordinary cases were to be confined to the examination of such offences as might be presented by the District Attorney, after previous examination by a committing magistrate, and that the only exceptions are, first, where criminal courts of their own motion, call the attention of Grand Juries to the investigation of matters of general and public import, such as riots, public nuisances, and flagrant vices, tending to debauch and corrupt public morals. Second, where the accused have fled the State, and an indictment is necessary to predicate a requisition—and third and last, is where complaints have originated by the presentment of the Grand Jury itself.

Mr. RUSSELL further contended that the decision of Judge King of Philadelphia, as reported in *Wharton's Criminal Law*, p. 118, was peculiarly applicable to this case, as the statute of that state governing the action of justices was similar to that in this. That it became the duty of justices to examine and commit, and that the defendants then had a responsible accuser to whom they could look if they were unjustly assailed, and that they could then know the nature of the offence alleged against them. That this right was guaranteed to the citizen by the laws of this state, and that no judicial trickery could deprive them of it, but that the existence of fraud, such as was made evident by the affidavit of the assistant District Attorney should determine the decision of the Court to quash the indictment and strike it from the record.

JOHN McKEON, Esq., District Attorney, followed in opposition to the motion, and confined his argument to the point that Grand Juries had original jurisdiction; that their action was omnipotent and could not be affected by extraneous influences; and finally, that their indictments could not be quashed nor set aside, except for informality or error that appeared upon their face.

JAMES R. WHITING, Esq., counsel for Smith, followed with the same argument on the infallibility of Grand Juries, and contended that the Court could not nor had no power to set aside an indictment for fraud, nor what might be its extent.

JOHN GRAHAM, Esq. Counsel for plaintiff's then followed, and began by remarking that he was somewhat surprised at the course of the District Attorney, in resisting the present application. That he supposed when the District Attorney came to reach the affidavit of his *locum tenens* at the time the indictment was found he would entertain the same feelings of indignation at the infamous fraud committed by the prosecutor, as he (Mr. G.) did—and that his countenance at least—if not his co-operation—could have been counted on for the purpose of aiding the application.

What (said Mr. G.) are the facts entering into it? On the eleventh of September last, the defendants, who are alleged to be the proprietors of "The National Police Gazette," were arrested on a charge of libel upon Alexander M. C. Smith—certainly a libel of a very serious character, if their publication was not true. On being brought before the magistrate who issued the warrant, they requested an examination as provided for by law. At their request it was appointed for the fourteenth instant. On that day, owing to the prosecutor not attending, the examination was further adjourned to the fifteenth instant—and in the meantime, an attachment was issued to compel his appearance. On this latter day, the defendants appeared by their counsel, and the prosecutor by his, when an adjournment was requested by the counsel for the prosecutor, as a matter of personal favor to himself, threatening, if not granted, that the complaint should be withdrawn altogether. It was granted, and the matter was accordingly further adjourned to the twenty-second instant. Again, on the return of this adjournment, the defendants attended, accompanied by their counsel, but neither the prosecutor nor his counsel appeared for the purpose of proceeding with the examination. After the lapse of some considerable time, they are informed by the justice, that he has been notified of the finding of an indictment, covering the ground of complaint before him, and until that is disposed of in some way, he does not feel at liberty to proceed. The Court can well imagine their astonishment, and that of their counsel at this adjournment. Even though the counsel representing Mr. Smith, has cleared himself by his disavowals on this occasion, of any participation in the fraud leading to the finding of the indictment, at least so far as the facts set forth in the affidavit of Mr. Phillips are concerned—it appears that it was drawn in his office—and we are bound to presume by him or under his direction. Does he consider, assuming that he merely advised his client to have an indictment found by way of ousting the justice of jurisdiction, that such a course was consistent with honor and honesty. If it is, I am glad that we possess none of that honor and honesty. Was not the counsel rather compromised to the defendants not to avail himself of the indulgence accorded to him, for the purpose of taking advantage of them? Should he not have met them on the return of the last adjournment, with matters situated as they were, when he procured it? Such appears to me to be the course dictated by both honor and honesty. But to the question presented to the Court in the present application.

It is not (remarked Mr. G.) whether the Grand Jury has the power, of its own motion or otherwise, to originate proceedings against persons charged with offenses—but simply whether, when the jurisdiction of a competent tribunal over a subject matter of complaint has attached, and is not regularly terminated—the Grand Jury has the right, by finding a Bill of Indictment, to oust it of its jurisdiction. This simple inquiry disengaged the motion of much that has

been unnecessarily pressed into it by the counsel opposed.

By way of showing that the Grand Jury had no such right, Mr. G. stated he would submit the following points, which he would consider in order. Viz:—First—it was the duty of the Justice, on the defendants being brought before him to examine the complainant and witnesses produced in support of the prosecution, in their presence, and afterwards, if required by them, such witnesses as they might choose to produce. 2. R. S. (2d Ed.) sec. 12, p. 591. Sec. 17, p. 592. The people *vs.* Restell, 3 Hill, R. 300. It was moreover, the right of the defendants to insist upon this examination. The statute having made it the duty of the Justice, on the one hand, to institute the examination, and invested the defendants with the right to insist upon it, on the other, obviously intended to secure the performance of this duty and the exercise of this right against all interference from any quarter. Any other understanding of it would reduce it to an absurdity.

Second. The Statute making it the duty of the Justice to institute an examination, gives him the requisite jurisdiction for that purpose—and having once acquired it, he cannot be ousted of it in the manner pointed out therein. Courts of concurrent jurisdiction cannot interfere.

This doctrine is clearly established [said Mr. G.] by analogy—the practice in civil Courts being analogous and fully applicable. In civil cases the action first instituted bars the second, *for the same cause*, unless before replication to the plea of alter action pendent the first action is discontinued. [Graham's Practice, 2nd Ed., 136, 604.]

Again—Where Courts of Equity have concurrent jurisdiction with Courts of Law, they will not exercise it in cases where Courts of Law have first acquired it. [See Cowen & Hill's, Phillips' Ed., 944, and cases cited.]

These instances, from the practice of civil Courts, clearly show that Courts with concurrent powers are not to exercise them so as to interfere with one another. The law disconveniences a conflict of jurisdictions. What confusion would ensue, were this not so? Supposing that Grand Juries can originate proceedings themselves, *how stands the prosecutor?* He had his choice between two courses—first to lodge his complaint in the Police Office, or, secondly, to go at once before the Grand Jury. They are concurrent, and if he adopts either of them, *he cannot resort to the other.*

The statutes prescribe fully when the Justice is *functus officio*. He first issues his warrant; secondly, on the arrest of the party accused, and his being brought before him, he institutes an examination into the offence charged—thirdly, if he decides that an offence has been committed by the party accused, he either commits him to prison, or receives bail for him—and, fourthly, on the first day of the next term, he is to certify the recognizances &c. to the Court where they are returnable. [2d R. S. 2nd Ed., 590, 593—the various cases there found.] Has that been done in the present case? Has the Justice determined that an offence has been committed? or that the defendants are guilty of it? or has he required them to answer to this Court? or certified the papers to this Court as required? *He has merely taken the first step in the discharge of his duty, i. e.—had the defendants arrested.*

A little circumstance (remarked Mr. G.) may as well be noticed. The term of this Court next after the complaint in question was made at the Police Office, began on the first Monday of October, present. That was the day the jurisdiction of this Court over this complaint was to commence by statute. How comes it its right to act has been anticipated? That this indictment was found out of its regular order—and out of course of law? Was it owing to the interference of the authorities? If so, let me ask whether the same jealousy and the same promptness characterize them on every occasion, where the rights of the citizen are always been offended against?

Third. The indictment, having been procured before the Justice, (i. e. the Police Court,) had perfected its jurisdiction in the matter, should be quashed, or

1. Either for the gross irregularity in procuring it under the circumstances, or
2. For the positive fraud resorted to by the prosecution in procuring it.

As to the first ground, (remarked Mr. G.) the irregularity in procuring the indictment, the considerations submitted by me in remarking on my second main point, and those I shall presently submit, render it so clear, that I shall not go into a separate discussion of it.

As for the second ground, the fraud of the prosecutor, the strength of it is almost self-evident. His fraud operates in two ways—first by conferring upon this Court a premature jurisdiction—and, secondly, by fairly cheating the Justice out of his right to continue his cognizance of the matter. When the indictment was presented to the Justice, (which, although not done, it was agreed should be considered as done,) on the part of the defendants the ground was taken of "per fraudem"—that it was not operative on that account. He, however, probably because of his position before the County Court at that time, being on trial before that Court on a set of charges then undisposed of; and probably, also, because he feared, if he ran counter to an indictment, that act might constitute a fresh charge against him, did not positively decide the point, but rather sought to cast upon this Court the responsibility of removing the infamous document out of the way. Now I hold that the same reasons that should have induced the Justice to disregard this indictment, and to proceed with the matter notwithstanding—should, and do constitute sufficient reasons why this Court should direct it to be stricken from its files—in other words, quashed. It was owing to this belief on my part, that the present course has been pursued. The Justice did not pass absolutely upon the question of whether the indictment was operative or not—nor was he asked to. We preferred gaining our object in this way.

The test then is (in passing upon the question now submitted of whether the indictment should be quashed, whether the Justice could have refused to recognize it, as being brought into existence in fraud of the Court over which he presided)—(Mr. G. here referred to the following cases in support of the principle he contended for, upon which he commented very fully, viz., Commonwealth v. Chester Alderman, 4 Mass. R. 477. Hamilton v. Williams, 1 Tyl. Rep. 15. The State v. Little, 1 New Hampshire Rep. 257, and also to the case of Commonwealth v. Jackson, 2 Virg. Cas. 501, as reported in 3d Vol. of Cowen and Hill's, Phillips' Ed., 959.) These cases (Mr. G. remarked) are completely decided to the position I assume. The doctrine deducible from them in general terms is just this—that where Courts have concurrent jurisdiction, and the right of one to act is attempted to be defeated or prevented by a fraudulent resort to another possessing the same right, the action of the latter is no bar to proceedings being continued or commenced in the former—and that, too, where the latter Court may have proceeded to a final adjudication upon the particular matter. The reason is, *fraud destroys the validity of every thing into which it enters.* It is the worm that feeds upon the virtue of all with which it contaminate itself. If there so solemn a matter as a judgment, in every case the most deliberate act of the law, can be deprived of its obligation or effect by fraud, used to obtain it, why not a mere interlocutory proceeding, as for instance, an indictment?

Fourth. The Court has the power to quash the indictment for the reasons alleged. It is a power incidental to it, as a Court. In the case of Gay v. The Monroe General Sessions, 12 Wend. R. 272, a Court of General Sessions was upheld by our Supreme Court, in setting aside a verdict on the ground of irregularity. It seems that after the jury had returned to deliberate upon the case, it was agreed among them to determine by lot how they should de-

cidie. They did so, and rendered a verdict accordingly. When the matter was presented to the Court, sensible of the outrage upon the cause of public justice, the verdict was on this account set aside—and yet no power is given by the Statutes to Courts of General Sessions (which are Courts of limited jurisdiction) to do any thing of the kind. The reason is, that such an enormity, (and every fraudulent interference with the course of the law stands on the same footing), is so opposed to the law and justice, as not to need or call for any positive provision on the subject.

With reference to the present case, can it be doubted that the files of this Court are under its direction? Are they not sacred? Is it not the duty of the Court to see that they are not contaminated in any way? Nothing should find its way among them, but in due course of law, and partaking of its purity. Can that be said of the indictment in question?

It has been urged by the counsel opposed, that an indictment can be quashed only for matter apparent on its face, and that the grounds taken in favor of the present application are extrinsic of the indictment. Such an objection is hardly deserving of a serious answer. The proposition contended for is strictly true—but what bearing has it upon this motion. We have chosen to call it in our notice, a motion to quash, but we have also given notice of motion on our part for further or other relief. If we have misconceived or misdescribed the motion, the conclusion of the notice saves us. If the Court sustains the application, will it not be virtually quashing the indictment. It is perfectly immaterial what you call it, the effect is the same.

It has been said too, by the counsel opposed, that we have cited no cases directly in point, for the purpose of sustaining our application. That is a sorry argument to call in against it. It only proves that before the time of Alexander M. C. Smith, no man has been found daring enough, or base enough to attempt the perpetration of a fraud of equal magnitude with the present. A dearth of cases on this point is rather creditable to the honesty of men than otherwise, but it speaks nothing against the strength of our grounds.

The case cited by my associate from "Wharton's Criminal Law," (p. 118 to 118, note 1), seems to me, however, to have been made almost for our purposes. The interference of Grand Juries is there carefully and properly restricted. The opinion of the Court, breathes the spirit, and certainly compasses the objects of the law. Even in cases where the prosecuting officer causes the Grand Jury to act in the first instance (which constitutes the second exception to the general rule advanced by the Court) the Court claims the right of controlling and setting aside their action—where for instance it would operate oppressively on the accused and the like. In the present case, the affidavit of the officiating D. A. shows that he refused to set the Grand Jury in motion, until the prosecutor told him a wilful and bare-faced falsehood. Does not that take it out of the exception to the general rule just adverted to?

Besides, the holding of this indictment would operate oppressively upon the defendants. To sustain the charges alledged to be libellous, they will have to bring witnesses from long distances, and from many different States, unless they are permitted to have the opportunity of examining the prosecutor in the Police Office. Whereas by that, *out of his own mouth*, they expect to establish every thing they have written concerning him. He evidently dreads it, and by his daring course has sought to avoid it. His testimony there, even though not receivable on the trial of an indictment against the defendants, in the form of the deposition taken there, will, nevertheless, be receivable on the footing of admissions, and those who hear them can testify to them. As matters now stand, all the prosecutor has to do to sustain his indictment, is to prove the publication of the alleged libel by the defendants; and then the onus lies upon them to show the *truth of it*, and in addition, *good motives and justifiable ends*, in making the publication; and unless they will go to a ruinous expense in getting their witnesses together, they will, in that event, have to call the prosecutor himself, and be concluded by his testimony, for no matter how false he may swear after that, they cannot contradict or impeach him. *He is clearly aiming at this.*

After a lengthy argument, of which the foregoing is an outline, Mr. G. thus concluded:

To my mind our judicial system has ever presented itself as some vast piece of mechanism, composed of many distinct and different parts, each impressed with its own peculiar function, moving in its own sphere, and necessary to the operation of the whole, and all taken together constituting an arrangement, harmonious and symmetrical. It is so with our judiciary, divided as it is into an almost countless number of jurisdictions. Here you behold the court of more restricted powers, there the court of more; ample and as you ascend in the scale, you attain to that court which, in its powers of control and protection, like a mighty tree, overshadows our whole land. All these tribunals, taken together, nevertheless, constitute but one system; and an indignity offered to one, even the most insignificant of them, is an outrage upon the whole. I trust that this court will so decide in the conclusion at which it may arrive upon the present application.

THE DECISION.

On Saturday last, the 7th instant, at the assembling of the Court, the Recorder, after briefly giving the facts connected with the case, gave the following

OPINION.

The motion is to quash the indictment, on the ground of "FRAUD AND IRREGULARITY IN THE PROCURANCE THEREOF."

It is presumed that the preliminary proceedings before the Justice were regular until the contrary is shown.

That a complaint was made before the magistrate, stating, that a criminal offence had been committed, that he examined the complainant on oath or other witnesses that might be produced. 2 R. S. Tit. 2, p. 4, sec. 2.

That it did appear that such offence had been committed from such examination, and that the magistrate issued his warrant to the proper officer, and that the defendants were arrested and brought before the magistrate admitted. Sec. 3.

There can be no doubt that the magistrate on the adjourned hearing, "as soon as may be," in the language of the 13th sec., was bound to examine the complainant and the witnesses to support the prosecution; and also to examine the prisoners under the restrictions prescribed by the statute; and that upon the examination of the whole matter, if it shall appear to the magistrate, no offence has been committed, by any person, or there is no probable cause for charging the prisoners, he shall discharge them. If it shall appear, an offence has been committed, and there is probable cause to believe the prisoner guilty, the magistrate shall bind by recognizance the prosecutor, and all the material witnesses against such prisoner, to appear and testify, at the next Court having cognizance of the offence, and in which the prisoner may be indicted—sec. 21. If it is on bailable offence, the magistrate is bound to take bail, if none is offered, to commit him to prison.

There does not appear to be any fraud or irregularity on the part of the magistrate up to the time the indictment was found.

He decided, he had no further jurisdiction, or that he was not authorized to proceed further pending the indictment.

Whether his decision was right or wrong, I know of no authority which this Court, has to review the

decision in any stage of his preliminary proceeding—his powers are derived from the statute—and all the examinations and recognizances taken pursuant to the statute he is bound to return to the Court, when the witnesses are bound to appear; and if he shall refuse them when ordered by the Court, they can compel him by rule, and they have this power, because it is given by statute.

It does not appear that the witnesses are under a recognition to appear before this Court, or even whether there was any examination at all, except on the first complaint to authorize the arrest. If the defendants feel themselves aggrieved by the magistrate, they have their remedy against him.

Suppose the magistrate on proof of a probable offence, commit the prisoner, the grand jury can refuse to indict, and the court will discharge him? Suppose on the hearing, the magistrate discharge the prisoner, the grand jury notwithstanding can indict him? They determine whether he shall be tried, and not the magistrate—his functions end with the binding over or commitment for trial. It does not appear that the grand jury had any knowledge of the proceedings before the Justice, since it has been returned to this Court.

The Indictment is the commencement of the prosecution in this Court.

Lombard says B. 4 ch., an Indictment is an accusation at the suit of the king by the oaths of twelve men of the same county—and Hawkins, p. 310, an Indictment is the king's suit.

This is not a suit of A. M. C. Smith, but it is a suit of the People of the State, and this is a reason, why he is a good witness. Whether we view the grand jury as having the power to originate prosecution, or to decide upon the final commitment of the magistrate, in either case—their authority is paramount and independent of the committing officer, and therefore embraces the power to act, pending the preliminary proceedings before the trial.

Suppose the Court were to quash the Indictment, and the magistrate should proceed, what advantage would arise to the defendants—the examination of the complainant would not be evidence before the grand jury, or could it be read on the trial. If another indictment should be found, would it not charge the same libel and the defendants be in the same position. They would have a right to a copy of the indictment and all the endorsements thereon—2 vol. R. S. p. 726, 1 Ed.—and these endorsements are the names of the witnesses and their residence, viz. A. M. C. Smith and D. P. Smith, 123 White-street. They will have the opportunity to confront and examine those witnesses on the trial.

The case cited in Pennsylvania, in a note of Wharton's C. L. p. 117, as the opinion of President King, has never been recognized as law in this State to the extent it goes; and in the State of Missouri, in a recent decision, a different doctrine is held.

It is said that "the office of a Grand Jury in Pennsylvania, was confined in ordinary cases, to the examination of such offences as might be presented by the Attorney General, after a previous binding over to answer by the committing magistrate; in other words, that the Grand Jury cannot indict until the magistrate decides an offence has been probably committed, and also presented by the Attorney General. This would strip the Grand Jury of its greatest utility, and convert it into an engine to be

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JOHN McGOWN.

Albany, February 7th, 1845.
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Very respectfully. S. W. WORRELL.

CONVULSIONS—NERVOUS AFFECTIONS.

Q.—Whatever may be said to the contrary, I have no doubt but convulsions are very often caused by worms, as well as nervous diseases in general. I knew a young lady who had terrible nervous attacks. Sometimes she had convulsions for hours together, and when able to be about, was in the greatest state of suffering. She consulted me. I told her she had worms; but she had been told by other physicians that it was the extreme delicacy of her constitution that was the cause of her affection. For some time she determined to try what change of air would do, and careful diet. She became worse and worse. Her sufferings were of that nervous character which made life itself a burthen, and she often felt as if she would give any thing to be able to lay herself down and die. One night she dreamed that Brandreth's Pills cured her. Then she thought of the advice I had given her. She commenced immediately with the Pills, night and morning, in doses of two Pills at night, and two in the morning; the second day, four Pills at night, and two in the morning; the third day, six Pills at night, and two in the morning. She felt fearful, and took two Pills at night on the fourth day, determining to rest a day or two. She felt herself much better on the fifth day, but the sixth and seventh she began to feel as bad as usual. She then began again, as at first, and when she got to eight Pills at night and two in the morning, having increased two each night, she parted with an immense quantity of maw-worms, nearly two quarts, in weight nearly six pounds. She continued to take the Pills almost constantly then, for some weeks, and they restored her to the best possible state of health. To this case, and numerous others similar, I shall be happy to refer any respectable applicant. Agents in every part of the country are able to refer to cases of cure of almost every description of character in their immediate vicinity. So there is no want of EVIDENCE.

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It may be that a person is nervous without any connection with worms. Purgation, however, with Brandreth's Pills makes no exception, and will be found to afford every kind of relief. If the disease has been of long standing, it will be necessary to persevere in the use of the Pills for some time. It will be well to use them steady for three or four days, in doses sufficient to purge very freely. Then to rest a few days, and do the same again; continuing the use of the Pills each time a greater number of days. It would be well to take a vomit occasionally of honest tea. Bonestea, taken hot, and enough of it, will always act as a vomit, and is one of the best. The Pills should always be taken about twelve hours afterwards, or earlier if required. This vomit must not be taken when the patient is weak. In that case the Pills must be used alone, until some strength has been obtained. The vomit should be only used once a month or so. Too much vomiting is very injurious; but once in a month or two, will help the curative effects of these Pills in these nervous cases.

COSTIVENESS—ITS CURE.
Q.—MANY WELL INFORMED PERSONS suppose costiveness cannot be cured except by diet, exercise, &c. Now, the fact is, costiveness is not capable of being permanently removed by the greatest attention to diet and exercise. No question but diet and exercise are important, as well as cold bathing, upon getting out of bed in the morning to aid in the cure, but they will be all of no avail to cure, without medicine, as thousands know very well.

Again, it is said medicines whose action is upon the bowels, only tend to make the case worse and worse. I admit that all purgative medicines, save the pills known as Brandreth's Pills, have that tendency. But it is not so with BRANDRETH'S PILLS; the longer they are used the less, ordinarily, will be required to produce effect. Long standing cases are not cured in a day, or with one dose. The Brandreth Pills do not cure as "by magic"—they cure because they cleanse the blood of all impurities, and this being done, the bowels and the secretions become healthy and adapted fully to perform the office nature has assigned. A gentleman can be referred to who now resides in the city of New York, who took them every day for five years, for constitutional costiveness. He had not, for fifteen years previously, ever had any thing pass his bowels without using medicine or an injection; and every year he was confined to his bed three or four months. For five years he took Brandreth's Pills. And why? Because he found his bowels become stronger and stronger from their use: and from all other purgatives he had taken, they became weaker and weaker. In fact, he found that at first he required six, eight, and ten pills to produce an operation; but in a year four pills were a full dose, and before the full cure was effected, two pills were sufficient to produce a good evacuation. Finally, he became as healthy as any man. And for five years he took the Brandreth Pills, and was never confined to his bed a single day during that five years.

Dr. Brandreth has cases every day sent to him; he inserts one of very recent date. He can refer to relations of Mr. Storrs, in New York, if further particulars are required.

The cure of DYSPÉPSIA, PALPITATION of the Heart, CONSUMPTION, Coughs of all kinds, Colds, Asthma, Rheumatism and Small Pox, depend on THEIR CURE altogether upon the cure of costiveness, which invariably attend these diseases. Cure costiveness, and you will have health. There is no doubt of it.

CURE OF CHRONIC COSTIVENESS OF TWENTY YEARS STANDING.

Sir—This will certify that for about twenty years I was afflicted with costiveness to such a degree that nothing would pass my bowels for a week at a time and which ultimately caused partial insanity. I was sorely distressed, both by night and by day. I had no quiet sleep sometimes for weeks together, my nervous condition was in so bad a state. The doctors could do nothing for me, all their remedies made me worse and worse. When all hope had fled, I chanced to read an advertisement of Dr. Brandreth's, and I thought from its style that whoever wrote it believed what he wrote, and if so, he was no imposter. I had to suffer the ridicule of friends and neighbors. My doctor told me after I had used them sometime, that he could make pills just like Brandreth's; he gave me a prescription; I took it to the druggist and got the pills; they had no more effect as physic than a piece of chip. Not so with Brandreth's pills; they always acted easily and freely. I have now taken them over two years, and they seem to have renewed the life within me; my intellect is clear and serene, and I now enjoy life equal to what I did twenty-five years ago. I am now near fifty. The action of my bowels are nearly restored to the healthy state of my youth. I bless God for what he has done for me. I pray he may bless Dr. Brandreth, the maker of Brandreth's Pills.

My case is known to hundreds in this county. Your agent, Mr. D. Kendrick, suggested that I should send it to remain yours, very gratefully.

D. STORRS.

Lebanon, N. H., 20th January, 1840.

Dr. Brandreth's Office is 241 Broadway, New York, and 8 North street, Philadelphia; 19 Hrnewer street, Boston, and corner of Laight and Mercer streets, Baltimore. At 241 Broadway, a physician is in constant attendance to give advice and explain the manner of cure of the Brandreth Pills.

BEWARE OF COUNTERFEIT PILLS.

Be very careful and go to the agent when you want Brandreth's Pills; then you are sure of the genuine article. When you purchase otherwise, inquire of the seller whether he knows the Pills he offers you are the genuine Brandreth Pills. Every man knows whether the article he offers is true or false. Beware of cheats.

Remember 241 Broadway is Dr. Brandreth's Principal Office; 276 Bowery Retail Office; 241 Hudson street Retail Office; and of the following agents in New York:

D. D. Wright, corner Houston and Lewis; Wm. D. Berrian, corner 1st street and 1st avenue; Geo. Hanwell, 165 Division; Geo. B. Maigne, 98 Catherine st.; Benj. S. Taylor, 80 Vesey; J. O. Fowler, cor. Greenwich and Murray; Mrs. Wilkinson, 412 Cherry st., Jno. Howe, corner Ludlow and Rivington; Jasper W. Webber, 689 Hudson street; Ivans & Hart, 184 Grand street; Mrs. Booth, Brooklyn, 5 Market street; R. Denison, South Brooklyn, 15 Atlantic; Mrs. Terrier Williamsburgh; James Wilson, Jersey City.

Brandreth's Pills are 26 cents per box, with full directions.

FITS! FITS!!

THE ONLY REMEDY.

EVAN'S VEGETABLE EXTRACT is an invaluable remedy for Epileptic Fits or Falling Sickness, Convulsions, Spasms, &c. It is well known, that from time immemorial, physicians have pronounced Epileptic Fits incurable. It has baffled all their skill and the boasted power of all medicine, and consequently thousands have suffered through a miserable existence, and at last yielded up their lives on the alter of Insanity. With all deference, however, to the opinions of the great and learned, we say THAT IT CAN BE CURED. We would refer those who doubt the efficacy of the Vegetable Extract, to the following persons who have either been cured or are now under treatment:

Col. E. Denison's daughter was afflicted 9 years, residence at Yonkers, N. Y.; W. Bennett, 9 years, 171 Grand street; J. Ellsworth, 7 years, 12 Dover-st.; Joseph McDougal, 9 years, East Brooklyn, L. I.; H. W. Smith, N. Y. Custom House; S. Kelly, 20 years, Staten Island; Miss E. McKeef, 20 years, Yorkville; Miss E. Crane, 12 years, 112 Hammerly-st.

For additional testimony, see pamphlets which may be had gratis at our office.

Prices per box with full directions, \$9, \$17 and \$24. Sent to any part of the United States.

Single bottles with necessary medicines \$3.

DRS. IVANS & HART, Proprietors,
n14 Principal office, 184 Grand street, N. Y.

TAPSCOTT'S GENERAL EMIGRATION OFFICES,
76 South-st. cor. Maiden Lane, N. York,
and 96 Waterloo Road, Liverpool.

The subscribers wish to remind their friends and the public that they will, as heretofore, make arrangements on the best terms with persons wishing to send for their friends in any part of the Old Country. The subscribers are agents for the following lines of Liverpool ships, viz:

THE NEW LINE OF LIVERPOOL PACKETS,
THE ST. GEORGE LINE & THE "UNION LINE."

The ships comprising the above magnificent lines are not surpassed by any, either for size—they all being 1000 tons and upwards—or accommodations; and the embarkation of all passengers sent for through the subscribers will be superintended by Mr. Tapscott, in Liverpool, who it is well known will pay every necessary attention to their comfort and quick despatch. Full particulars and lists of the ships, also their days of sailing, given on application to

W. & J. TAPSCOTT, 76 South street,
corner Maiden Lane, New York.

P. S.—Drafts for any amount supplied, payable at sight through Great Britain and Ireland.

Foreign Criminal News.

We present below to our readers, a compendium of interesting Foreign Intelligence, extracted and condensed from our files and correspondence received by the Britannia:

A NEW DOCTOR.—The following ingenious, and, we believe, novel expedient in the art of appropriation, was played off, says the Droit, two days ago, in the Passage des Panoramas. A well dressed man, with a child about five years old, entered a shop and asked the price of a silver snuff-box. Being told that it was fifty francs, he offered forty, and after some discussion, a bargain was struck at forty-five francs. The purchaser put his box into his pocket, and pulled out his purse, which appeared to be full, to pay for it, but turning round suddenly, he exclaimed, "Good God! Paul has left the shop, and he does not know Paris, I fear he will be lost." He then ran out of the shop, as if to look after his son, leaving his purse upon the counter. The shopkeeper, seeing the purse, had no suspicion for some time, but at length the continued absence of his customer induced him to examine the contents of the purse, which were found to be three francs, ten sous, in copper money. The owner has not yet come back to claim it.

MORE CONVICTS FOR VAN DIEMEN'S LAND.—The Arabian, Government transport, was ready to receive three hundred convicts on board, who will be sent down from the London Penitentiary, for a passage to Van Diemen's Land. The cost of transportation of each convict to the government is fifteen pounds, and on their arrival at Van Diemen's Land, those wishing to employ them must pay a salary of £12 a year; to a second £10. The Government also stipulates that they shall be provided with the following rations: 10 lbs. of meat, 10 lbs. of flour, 1 lb. of sugar, 2 ounces of tea, with a quantum suff. of salt and soap every week.

ATTEMPT TO DESTROY LORD ROSSE'S TELESCOPE.

An act, influenced by the wildest fanaticism, was committed at Armagh, Ireland, of which the following are the particulars:—On Friday evening, three respectably dressed individuals applied for permission to view the moon through Lord Rosse's telescope. On its being granted, they ascended the platform, and, at the moment when the instrument was depressed on a level with the horizon, one of them advanced to the extreme end, and cast a stone, which he must have concealed for the purpose, at the speculum. It happily did not take effect, and in the effort he fell, and fractured his right leg. They were immediately arrested, and the one who threw the stone expressed his regret at not having destroyed the telescope, as he considers it "a blasphemous for man to scrutinize too closely the works of the Creator," and affirms that "the right hand of the Lord will yet be employed to dash in pieces the enemy."

FRENCH LEECHES.—The Commissary of Police of the Quartier Montorgueil, accompanied by one of the Professors of the School of Pharmacy of Paris, visited the shops of several of the dealers in leeches, to ascertain whether they were not gorged with blood to increase their size. Not less than 18,000 leeches in this state, and therefore unfit for the use required by the medical men who order the application of leeches, were seized. It is said that the dealers are in the habit of gorging their leeches with the blood of horses, many of which die from disease. Galignani.

HUNDRED PRISONERS PARDONED.—According to the *Epoché*, the King of the French, by a royal ordinance, pardoned upwards of a hundred criminals in anticipation of the marriage of the Duke de Montpensier, his son, to the Queen of Spain. Among those whose penalties are commuted, are five of the accomplices of Quenisset, who was sentenced to death by the Court of Peers in 1841, for an attempt against the lives of the Dukes of Orleans, Nemours, and Aumale. These are—Brazier, who was also capitally convicted; Jasse, Petit, Malet, and Boucheron. Eight other political offenders, implicated in the insurrectionary movements of La Vendee, in 1834 and 1835; four others, condemned for participation in the plot of Marseilles, in 1841; and nine galley-slaves, confined in the *bagnes* of Rochefort, Brest, and Toulon, whose good behavior was made known to his majesty, had also experienced his clemency. Agreeably to the desire of the king, the amnesty were to be apprised of their pardon on the day of the marriage of the prince.

SUICIDE BY THE SWISS GIANTESS, FROM STAR-ATION.—An inquest was held at the Red House, Battersea, on the colossal remains of Eliza Lawrence, alias Madame de Letzi, better known as the Swiss giantess, which had been picked up in the Thames, near that place, on Wednesday night. The last time the deceased was seen in the neighborhood of her residence, was Tuesday night, when she called at a public house and asked a female for a penny, saying she was in great distress, and had had nothing to eat for 24 hours, or very little from the Monday before. She also complained of the state of abject poverty to which she was reduced, being without a farthing, or a farthing's worth of property to raise money on, and said she was going over Waterloo bridge, and that she had a great mind to stop there and make a hole in the water. She was 51 years of age. Verdict: "Suicide, while laboring under temporary insanity." This woman passed many years of her life in a caravan, and was conveyed from town to town and exhibited under the title of Madame de Letzi, the Swiss Giantess.

RED OR GREY HAIR.

IT IS PERHAPS A COMMENDABLE DECEPTION to give a beautiful color to the hair, if Nature has not done so—or hide premature grey hairs and locks. Some prefer a jet black, others a glossy auburn. In either case the "Italian Hair Dye," will accomplish this without even soiling the skin. It is used by hundreds of our fashionables with approbation. Prepared and sold by H. JOHNSON, Chemist, No. 273 Broadway, corner of Chamber street. Sold also at 100 Fulton-st., corner of William, and 77 East Broadway. Price 50 cents.

[OFFICIAL.]

A LIST AND DESCRIPTION OF

DESERTERS FROM THE

UNITED STATES ARMY.

PUBLISHED EXCLUSIVELY IN THIS PAPER BY ORDER OF THE ADJUTANT GENERAL OF THE U. S. ARMY.

NO.	NAME	REGIMENT AND COMPANY.	AGE.	EYES.	HAIR.	COM-FLEXION.	HEIGHT.	WHERE BORN.	OCCUPATION.	DATE AND PLACE OF ENLISTMENT.	DATE AND PLACE OF DESERTION.	REMARKS.
488	John Hilsenbeck	Recruit	29	hazel	brown	fair	5 5	Wertemberg, Germany	laborer	" 21, " Harrisburgh, Pa.	" 24, " Harrisburg	
489	Rouben Haines	"	29	black	dark	dark	5 6	Bethlehem, Pa.	physician	" 16, " Pottsville, Pa.	" 26, " Pottsville	
490	George W. Ford	"	29	brown	dark	light	5 7	Albany, N. Y.	shoemaker	June 1, " Watervliet Arsenal	June 9, " Watervliet Arsenal	
491	John Grus	"	21	brown	brown	light	5 7	Ireland	shoemaker	Aug. 17, " Covington, Md.	Sept. 9, " Jefferson bk's	
492	Thomas Brady	1st Drag. F	23	blue	dark	dark	5 9	Ireland	sailor	" 17, " " "	" 9, " " "	
493	Vesey Turner	"	25	gray	light	fair	5 9	Indiana	carpenter	" 9, " Terre Haute	" 7, " " "	
494	John Fellmer	"	22	dark	dark	dark	5 6	Germany	stone mason	July 7, " St. Louis, Mo.	" 2, " " "	
495	Benj. B. Bellington	Mt'd rifles B	21	blue	lt brown	fair	5 8	Ohio	farmer	" 20, " Quincy, Ill.	" 9, " " "	
496	Sidney Comstock	"	21	blue	lt brown	fair	5 8	Newburg, N. Y.	soldier	April 2, 1845, Fort Mifflin	15, " Fort Columbus	
497	Thomas P. Carr	2d art. D	26	blue	sandy	light	5 11	Kilkenny, Ireland	laborer	July 17, " Burlington	" 18, " " "	
498	Michael Tynan	"	21	blue	brown	dark	5 6	Ulster, N. Y.	laborer	Aug. 10, " Kingston	" 12, " " "	
499	John W. Termliger	"	21	gray	dark	fair	5 7	Whitehall, N. Y.	farmer	June 11, " Burlington	" 15, " " "	
500	John Murphy	"	28	blue	dark	fair	5 6	Ireland	tailor	July 3, " New-York	" 17, " " "	
501	Richard T. Bennett	"	27	gray	fair	fair	5 10	Ireland	laborer	May 30, " " "	" 23, " " "	
502	Michael Ives	"	24	gray	dark	fair	5 6	ireland	silver smith	" 22, " Fort Monroe	" 7, " Zanesville	
503	George Washington	4th art. C	25	blue	light	fair	5 6	Baltimore, Md.	tailor	June 30, 1845, Fort Monroe	" 16, " Zanesville	
504	Henry Bender	"	21	gray	light	fair	5 9	Hessen, Germany	laborer	Aug. 23, " Zanesville	" 7, " " "	
505	John Logan	"	34	gray	red	florid	5 6	Muskingham co., Ohio	silver smith	" 22, " " "	" 6, " " "	
506	John Mason	"	30	dark	brown	fair	5 11	Fayette co., Pa.	farmer	" 10, " Erie, Pa.	" 22, " Erie, Pa.	
507	John Badgley	Recruit	31	gray	brown	light	5 9	Salina, N. Y.	laborer	Sept. 14, " Buffalo, N. Y.	" 15, " Buffalo	
508	James McGirk	6th inf.	26	gray	dark	dark	5 6	Ballyagh, Ireland	tailor	Sept. 10, " Nashville, Ky.	" 22, " Nashville	
509	Henry Spencer	"	33	blue	black	fair	5 8	City of New York	cooper	Oct. 10, 1845, Newport	30, " Fort Smith, Ark.	
510	John Moore	6th Inf. F	25	hazel	dt brown	fair	5 9	Waterford, Ireland	soldier	Sept. 23, 1845, Reading	29, " Reading	
511	Peter Meeks	Re't 8th Inf.	26	gray	brown	light	5 8	Reading, Penn.	saddler	May 18, 1845, Pittsburg	1, " Near fort Jessup	
512	James Andrews	4th art. B	18	dark	dark	dark	5 7	Henry, Indiana	shoemaker	June 2, " " "	" 1, " " "	
513	David Harbaugh	"	22	gray	brown	fair	5 9	Washington, Md.	farmer	Sept. 22, " New-York	" 1, " Ft. Columbus	
514	James Clark	Recruit	22	blue	brown	fair	5 6	Mayo, Ireland	lumberer	July 20, " Bangor, Me.	" 22, " " "	
515	F. N. Lambert	Rec't 7th. In.	27	blue	dark	dark	5 9	Prince Edward's Island	baker	Sept. 22, " New-York	" 30, " " "	
516	Henry Brost	Rec't 3d art.	23	blue	sandy	fair	5 7	Germany	tailor	Aug. 13, " New-York	" 1, " " "	
517	Adolph Sabatky	Rec't 3d dg's	21	gray	brown	ruddy	5 6	Glasgow, Scotland	stonecutter	Sept. 7, " New-York	" 3, " " "	
518	George Cunningham	Rec't 4th In.	24	blue	fair	fair	5 8	Egremont, Mass.	Miller	Aug. 10, " Providence, R. I.	" 3, " " "	
519	Samuel Jessap	Rec't 7th In.	28	black	dark	fair	5 4	Canada	labourer	Aug. 24, " Pottsville, Pa.	" 6, " " "	
520	John Blimore	Rec't 5th In.	25	gray	brown	fair	5 8	Smyrna, N. Y.	blacksmith	Sept. 24, " New-Bedford	" 6, " " "	
521	Joseph P. Smith	Recruit	24	blue	brown	fair	5 9	Clinton co., Ohio	surveyor	July 17, " Logan's port, Ind.	" 1, " Newport bks, Ky.	
522	Jonathan D. Hines	Rifles E	21	blue	light	fair	5 6	Wilkinson, Geo.	farmer	June 2, " St. Louis	3, " Ft. Leavenworth	
523	James Spears	"	26	blue	brown	fair	5 10	Delaware co., Ohio	soldier	June 3, 1845, Fort Crawford	from furlough	
524	Linus Scott	1st Inf. F	47	hazel	brown	dark	5 2	Washington, N. Y.	shoemaker	July 15, 1845, Columbus	Jefferson barracks	
525	Henry Mullen	Mt'd rifle B	21	hazel	brown	fair	5 9	Germany	musician	July 16, 1845, St. Louis, Mo.	" 14, " " "	
526	Basilius Ruthart	1st drag's F	24	hazel	dark	dark	5 9	Germany	musician	July 20, " " "	" 6, " " "	
527	B. B. Billington	Mt'd rifle B	21	blue	brown	fair	5 8	Genoa co., Ohio	farmer	July 6, " Columbus, Ohio	" 9, " " "	
528	Henry Metten	Mt'd rifle B	21	hazel	brown	dark	5 9	Delaware co., Ohio	shoemaker	July 16, 1845, St. Louis	" 7, " Ft. Gibson	
529	Peter T. Christman	1st drag's H	25	dark	brown	fair	5 10	Sea, Virginia	labourer	Sept. 17, 1845, Zanesville, Ohio	Newport barracks	
530	William G. Graham	Recruit	21	gray	brown	fair	5 8	New York	tailor	Sept. 24, " " "	" 24, " " "	
531	George H. Utter	Recruit	21	gray	brown	fair	5 7	Newark, N. J.	hatter	Sept. 12, " " "	" 24, " " "	
532	Matthew Dunivan	Recruit	25	blue	brown	dark	5 7	Cork, Ireland	blacksmith	Aug. 20, 1845, Wheeling, Va.	" 6, " " "	
533	William P. Edwards	3d Inf. E	23	blue	light	fair	5 7	Wilson City, Tenn.	farmer	July 28, 1845, Nashville, Tenn.	11, " Nashville	
534	Stephen Phillips	3d Inf. E	25	black	brown	dark	5 6	Wilson City, Tenn.	farmer	Sept. 1, " " "	" 11, " Ft. Columbus	
535	Calvin Nickins	3d Inf. E	19	gray	brown	light	5 10	Wilson City, Tenn.	stonecutter	Sept. 1, " Boston	" 7, " Ft. Columbus, N. Y.	
536	Joseph Jackson	3d Inf. E	27	blue	light	florid	5 9	London, England	baker	Sept. 19, " Boston	" 7, " " "	
537	James McDonald	Rec't 7th In.	21	blue	brown	light	5 7	England	laborer	July 27, " New-York	" 8, " " "	
538	Thomas Butler	Rec't 7th In.	22	blue	sandy	light	5 7	England	tailor	July 23, " Bedford, Pa.	" 8, " " "	
539	James Wright	Rec't 2d dg's	23	blue	brown	fair	5 4	Utica, N. Y.	clerk	July 17, " Columbia, Pa.	" 8, " " "	
540	John Dugdale	Rec't 5th In.	25	blue	brown	fair	5 6	Belfast, Me.	shoemaker	Sept. 1, " Philadelphia, Pa.	" 8, " " "	
541	Moses Elwell	Rec't 4th In.	21	gray	sandy	dark	5 8	Letram, Ireland	farmer	Sept. 1, " Springfield, Pa.	" 8, " " "	
542	John Doyle	Rec't 4th In.	22	gray	brown	fair	5 8	Milton, Mass.	laborer	Sept. 17, " Springfield, Mass.	" 9, " " "	
543	George Rice	Rec't 7th In.	23	blue	brown	light	5 5	Wexford, Ireland	tailor	Sept. 7, " Boston	" 9, " Albany, N. Y.	
544	John Molloy	Recruit	29	blue	brown	dark	5 6	Orange co., Vermont	musician	Oct. 6, " Albany	" 7, " Albany, N. Y.	
545	Willard D. Gay	Recruit	21	blue	brown	light	5 4	Fulton co., N. Y.	labourer	" 18, " Galena	" 11, " Ft. Snelling, I. T.	
546	James W. Kasson	1st Inf. H	22	blue	black	dark	5 10	New-York	labourer	" 20, " Dubuque	" 11, " " "	
547	Charles Smith	"	23	gray	dark	fair	5 5	"	labourer	" 20, " " "	" 11, " " "	
548	Ely Crampion	"	21	blue	brown	fair	5 5	Addison co., Vermont	labourer	Sept. 11, " " "	" 11, " " "	
549	B. L. Cummings	2d	21	blue	light	fair	5 10	Germany	tailor	Sept. 11, " New-York	" 11, " Ft. Columbus	
550	Henry Palmer	2d Drag's G	23	hazel	dark	light	5 7	Longford, Ireland	farmer	Sept. 25, " Poughkeepsie	" 8, " Newburgh	
551	Thomas Indge	5th Inf.	21	dark	brown	light	5 5	Dublin, "	blacksmith	Oct. 3, " Pittsburgh	" 8, " Philadelphia	
552	James Lucy	"	24	gray	brown	dark	5 6	Dutchess co., N. Y.	musician	June 28, 1845, Baltimore	1, " Washington, D. C.	
553	Wm. H. Amberman	5th Inf. H	17	hazel	brown	fair	5 3	Essex, England	musician			